

Appendix B
2010 Stormwater Management Program – March 2010

Stormwater Management Program (SWMP)

March 2010



CITY OF TACOMA

Public Works/Environmental Services

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Introduction

NPDES Municipal Stormwater Permit Background

Washington State Department of Ecology (Ecology) issued a permit modification on June 17, 2009 to the February 16, 2007 National Pollutant Discharge Elimination System (NPDES) Stormwater Permit for Phase I Municipalities including the City of Tacoma, City of Seattle, Pierce County, King County, Snohomish County and Clark County. The permit is available to view on-line at Ecology's website:

<http://www.ecy.wa.gov/programs/wq/stormwater/municipal/phaseIpermit/phipermit.html>

This modified permit replaces the existing NPDES Municipal Stormwater Permit issued in 2007. It regulates the discharge of stormwater to surface waters and ground waters of the state from Tacoma's municipal separate storm sewer system (MS4). This permit is designed to protect and improve the water quality of our receiving waters by implementing stormwater management activities. The following significant changes were made by the permit modification:

- The program must require non-structural preventive actions and source reduction approaches, including Low Impact Development (LID) techniques, to minimize the creation of impervious surfaces, as well as measures to minimize the disturbance of soils and vegetation where feasible.
- The Structural Stormwater Controls (SSC) program documentation shall identify how each SSC project complies with AKART and MEP requirements and the prioritization process, procedures and criteria used to select each project.
- The field screening program to identify and eliminate illicit discharges to the storm system has been given one extra year to complete screening for 60% of the storm system.
- The City is now only required to measure understanding and adoption of the targeted behaviors for at least one targeted audience in at least one subject area of all the different areas of public outreach that must be included in the public education and outreach program.

We have revised Tacoma's Stormwater Management Program (SWMP) to guide the operation of Tacoma's Surface Water Management Utility during the remainder of the permit term. The development of the 2010 Stormwater Management Program has included a formal public participation process and internal review to provide valuable input and oversight to the program. The City will continue to provide annual reports to Ecology to document the City's progress in meeting the permit requirements and deadlines. The NPDES Annual Report will be used as a tool to assess the City's progress and determine any changes to the SWMP procedures or priorities required to fulfill the permit obligations. The SWMP will be evaluated annually, and updated when necessary, based on the annual report and program assessment and will incorporate public input in the updating process (see Public Participation Plan, Appendix A.)

Stormwater Management Program Components

Tacoma's Stormwater Management Program is divided into ten components as outlined in the NPDES Municipal Stormwater Permit Section S5. The SWMP components are summarized here:

1. Legal

The City must have the legal authority to control discharges to and from the municipal storm sewers owned by the City. Chapter 12.08 of the Tacoma Municipal Code provides this authority.

2. Mapping

The City's stormwater system must be mapped. This work was started under the 1995 permit and is continuing. The City's GovMe website (www.cityoftacoma.org/govme) will be updated with new mapping information as it becomes available.

3. Coordination

Written internal coordination agreements are required to facilitate internal cooperation between various City departments and divisions. Coordination mechanisms with surrounding municipalities that have interconnected systems or which share surface water bodies are being further developed.

4. Public Involvement and Participation

The City must have a process to provide opportunities for the public to be involved in the development and implementation of the Stormwater Management Program. NPDES Municipal Stormwater Permit submittal information will be posted on the City's web site.

5. New Development and Redevelopment

This includes the City's program to prevent and control the impacts of runoff from new development, redevelopment and construction activities. It covers private and public development, including right-of-way improvements. The permit requires compliance with Ecology's 2005 Stormwater Management Manual for Western Washington (2005 Ecology Manual) or an equivalent manual. Tacoma's 2008 Surface Water Management Manual has been deemed equivalent. Low impact development (LID) must be required where feasible. Inspections must be performed prior to clearing and construction, during construction, and after completion of construction with necessary enforcement measures to address non-compliance and inspection record-keeping. Permitting and inspection staff will be trained as necessary to perform their work.

6. Structural Stormwater Controls

A program to prevent or reduce impacts to waters of the state caused by stormwater discharges must be developed and must consist of structural stormwater controls. Projects must be identified and an implementation schedule is required.

7. Source Control

Increased numbers of inspections of pollutant generating sources are required for commercial, industrial and multi-family properties. Sites owned by the City will also be

inspected with necessary enforcement to address non-compliance. The permit requires compliance with the source control sections of the 2005 Ecology Manual or an equivalent manual. All inspection staff will be trained as necessary.

8. Illicit Connections

Continue the ongoing program to detect, remove and prevent illicit connections and discharges, including spill response, for discharges into the City's separate storm sewer system. Prioritize outfalls and conveyances to complete field screening activities. All staff who might observe an illicit discharge will be trained.

9. Operation and Maintenance

Maintenance standards and inspection programs are required for public and private stormwater facilities. Best Management Practices (BMPs) are also required for the maintenance and operation of public streets and roads to reduce stormwater impacts. The City of Tacoma participates in the Regional Road Maintenance Endangered Species Act (ESA) Program using BMPs developed for maintenance activities within rights-of-way. Stormwater Pollution Prevention Plans (SWPPPs) will also be developed for heavy equipment maintenance and storage yards and material storage facilities owned by the City.

10. Education and Outreach

Educational programs need to provide information to elected officials, policy-makers, residents, businesses including home-based and mobile businesses, landscapers and property managers, industries, engineers, contractors, land developers, municipal permitting and planning staff, and others. The educational program will be designed to achieve improvements in the understanding of each target audience.

Stormwater Management Mission and Priorities

The City of Tacoma considers itself a leader in responding to the issues of water quality related to urban runoff. Our activities have included experimental water quality testing to identify pollutants in stormwater runoff as early as 1980. Current efforts include investigating source control and treatment of stormwater pollutants like phthalates. The Tacoma City Council and Tacoma's Surface Water Utility ratepayers have supported substantial rate increases in recognition of the importance of protecting and enhancing the water quality in Commencement Bay and our fresh water lakes, wetlands and streams in the face of increasing stormwater runoff and pollutant loads from urban development, increased traffic and population increases.

Environmental Services Surface Water and Wastewater Utilities share a common mission and vision of providing our customers high-quality and cost-effective surface water and wastewater management in order to ensure that the receiving water of Commencement Bay and adjacent aquatic environments are healthy and vibrant through a balance of community development and ecosystem protection.

Four strategic goals are the focus to achieve this mission and vision:

- A well informed, well supported and satisfied workforce
- The protection of human health and the environment throughout our service area

- The efficient and effective management of Tacoma's wastewater and surface water and the protection of the public's investment in its infrastructure assets
- Customers satisfied with and supportive of our services

The City's surface water management priorities were established in 1999 under the first NPDES Municipal Stormwater Permit and remain essential elements of the Stormwater Management Program today. The City's priorities include the following:

- Manage stormwater to minimize flooding and erosion.
- Manage stormwater to minimize contact with contaminants.
- Mitigate the impacts of increased runoff due to urbanization.
- Manage runoff from developed properties and those being developed.
- Protect the health, safety and welfare of the public.
- Correct or mitigate existing water quality problems.
- Restore and maintain the chemical, physical and biological integrity of the receiving waters in the City to protect beneficial uses.

Tacoma's Surface Water Management Utility

Tacoma's Stormwater Management Program is administered by the Surface Water and Environmental Compliance Sections of Environmental Services, Science and Engineering Division of Public Works. Staffing and budget are designed to meet the program goals and challenges described above. Our current work includes:

- Inspecting business activities and permitting and inspecting new construction projects.
- Collecting and evaluating stormwater and sediment quality monitoring data.
- Implementing a source control and monitoring program focused in the watershed of the Thea Foss Waterway Superfund Cleanup, and enhancing habitat areas to restore beneficial uses.
- Mapping, maintaining and cleaning a stormwater system that includes approximately 575 miles of storm pipe, 10,000 manholes, 18,300 catch basins, 400 outfalls, 4 pump stations, and 47 stormwater ponds and other treatment and flow control facilities.
- Rehabilitating and replacing aging infrastructure and improving the storm system with capital projects to address identified water quantity and quality issues.
- Providing public education about stormwater and surface water management and sharing information with staff from federal, state and neighboring municipal governments, environmental groups, businesses and interested citizens.
- Participating in regional watershed councils and committees.
- Ensuring the City activities and operations are in compliance with NPDES permit requirements.

The updated Stormwater Management Program will supplement and enhance Tacoma's existing program activities.

Stormwater Management Program by Permit Component

S5.C.1. Legal Authority to Control Discharges to and from the MS4

Summary of Program Component

The City of Tacoma's legal authority to control discharges to and from our municipal stormwater sewer system is found in various state laws and in Tacoma's Municipal Code. The state statutes provide the City legal authority to create, and then regulate and manage its municipal stormwater system, among other things.¹ Tacoma also has legal authority to regulate and enforce the stormwater management-related requirements found in Chapter 12.08 of the Tacoma Municipal Code (TMC).² Chapter 12.08 TMC, attached as Appendix B, applies to all direct and indirect users of Tacoma's municipal stormwater system.³

Permit Compliance Measures

The following references to the Tacoma Municipal Code (TMC) and Revised Code of Washington (RCW) identify the specific citations providing the authority for the City to conduct the permit compliance activities listed below.

Permit Deadlines and Responsible Parties:

Legal authority to control discharges to and from MS4	February 2007	Legal Department; Environmental Services Surface Water Section
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Authority to Control Industrial Discharges, Prohibit Illicit Discharges, and Control Spills into the MS4 (S5.C.1.b.i., ii, iii.)

Control Industrial Discharges

- TMC 12.08.070** Prohibits the discharge of any substances directly to a manhole or other opening other than through an approved sewer connection.
- TMC 12.08.080 A.** Prohibits the discharge of substances enumerated in TMC 12.08.020 and TMC 12.08.040 to the municipal storm sewer system.⁴
- TMC 12.08.080 D.** Prohibits illicit discharges to the municipal storm sewer system.
- TMC 12.08.007 J.** Authorizes the City to regulate all direct and indirect discharges to the municipal sewer system.⁵

¹ See, RCW 35.67.020(1), RCW 35.21.210, and RCW 35.92.020(1).

² See TMC 12.08.090 A.

³ See TMC 12.08.007 A.

⁴ TMC 12.08.020 prohibits the discharge of wastewater containing specific enumerated pollutants, among other thing. TMC 12.08.040 places specific limits on wastewater strength.

Prohibit Illicit Discharges

TMC 12.08.080 D. Authorizes the City to regulate illicit discharges.⁶

Control Spills and Unlawful Discharges

TMC 12.08.200 Authorizes the City to pursue an enforcement response against any person who violates Chapter 12.08 TMC. Persons who “spill” regulated substances into the municipal stormwater system are subject to enforcement for violating TMC 12.08.080A, which prohibits the discharge of polluted matter into the municipal stormwater system.

TMC 12.08.200 Authorizes the City to pursue an enforcement response against any person “who shall at any time cause or contribute to the contamination or recontamination of any waterway and/or its remediated sediments”.

Ability to Control Inter-System Discharges Under Agreements with Other Permittees (S5.C.1.b.iv.)

RCW 35.67.300 Authorizes the City to enter into joint agreements with other cities, towns or water districts to connect to and be served by the municipal sewer system.⁷ These agreements require compliance with Chapter 12.08 TMC stormwater-related requirements.

RCW 35.67.310 Authorizes the City to allow persons outside the city limits to connect to and be served by the municipal sewer system. Authorizations for connections require compliance with Chapter 12.08 TMC stormwater-related requirements.

TMC 12.08.620 Authorizes the City to enter joint agreements with other cities, towns or water districts to connect to and be served by the municipal sewer system. These agreements require compliance with Chapter 12.08 TMC stormwater-related requirements.

Require Compliance with City Regulations and Conduct Enforcement Actions (S5.C.1.b.v. vi.)

TMC 12.08.007 C. Authorizes the City to conduct compliance inspections.

TMC 12.08.007 D. Provides right-of-entry authority.

⁵ TMC 12.08.010 defines “municipal sewer system” to include stormwater system as well as the sanitary sewer system.

⁶ TMC 12.08.010 provides a definition of “illicit discharges.”

⁷ The term “system of sewerage” is defined in RCW 35.67.010(3) to include “storm or surface waters.”

- TMC 12.08.007 E.** Authorizes the City to issue “stop work” orders if construction work is being conducted contrary to Chapter 12.08 TMC, or contrary to the plans and specifications for such work, which will include a plan for managing stormwater.
- TMC 12.08.007 F.** Authorizes the City to enforce violations of Chapter 12.08 TMC.
- TMC 12.08.200** Includes the procedures for enforcing Chapter 12.08 TMC.
- TMC 12.08.200 E.** Authorizes the City to issue corrective action orders
- TMC 12.08.610** Property Owner Liability for Supplemental Charges
- TMC 12.08.675** Authorizes Tacoma to issue Notice of Violations and Civil Penalties to persons who violate Chapter 12.08 TMC.
- TMC 12.08.670** Authorizes City Prosecutor to file “gross misdemeanor” criminal charges when the City Prosecutor determines that a specific incidence of noncompliance with Chapter 12.08 TMC constitutes a criminal act.

Additionally, in October, 2008, the City updated TMC 12.08.095 identifying the procedures and requirements for requesting an exception from the development and redevelopment requirements in the Surface Water Management Manual identified in TMC 12.08.090. The ordinance now reflects the exceptions procedures delineated in the NPDES Municipal Stormwater Permit Appendix 1.

S5.C.2. Municipal Separate Storm Sewer System Mapping and Documentation

Summary of Program Component

The overall objective of this requirement is to establish an ongoing program to map and document the existing stormwater system and ensure that future connections are documented and mapped.

Mapping and documentation of the existing facilities are vital to managing the resources of the City. By identifying connections to the stormwater system and understanding its relationship to overlaying drainage basins, analyses can be performed on the entire system. This information will also assist in providing service to underserved areas and development of solutions to capacity problems. The City is using the information that is currently available in a variety of ways, including tracking sources of contamination. The usefulness of the information will increase as more details are added to the City's mapping system.

Permit Compliance Measures

The SWMP Shall Include an Ongoing Program for Mapping and Documenting the MS4. (S5.C.2.a)

The Environmental Services Surface Water Section and Environmental Compliance Section have an existing mapping and documenting program to meet this requirement.

Mapping of Structural Stormwater BMPs, Outfalls, and Connection Points Between the City's Separate Stormwater System and Other Systems (S5.C.2.b.i)

Permit Deadlines and Responsible Parties:

Map all known municipal separate storm sewer outfalls and receiving waters, and structural stormwater treatment and flow control BMPs owned, operated, or maintained by the Permittee	February 2009	Environmental Services Surface Water Section Environmental Services Environmental Compliance Section
Start a program to map connection points between City separate storm sewers and other municipalities and public entities.	February 2009	Environmental Services Surface Water Section Environmental Services Environmental Compliance Section

Mapping Public Assets

This work is ongoing. As new storm sewer assets are identified, they are mapped. All of the information is currently available on the City's GovME website (www.cityoftacoma.org/govme). Existing flow control and treatment facilities owned by the City are mapped. All known storm sewer outfalls to marine and fresh waters with a 6-inch or greater nominal diameter have been mapped. A standard operating procedure has been developed to add new stormwater system features into our mapping system as they are constructed. This document will be continually updated and refined as necessary.

Standard Operating Procedures for addition of newly constructed public storm sewer assets into GovMe.

- Environmental Services Engineering Technicians receive plans from either Public Works Construction Division (for Private Work Order Permits) or from the Project Manager (for City Capital Improvement Projects).
- The new assets are input into the system as "proposed" by the Engineering Technicians.
- Upon completion of construction, Sewer Transmission will receive notification to video inspect the new assets and adjoining system for final inspection. This information will also go to the Engineering Technicians.
- At this point the Engineering Technicians will re-label the proposed assets as "active."
- It is ultimately the responsibility of the Project Manager to ensure that the assets related to their project are correctly input into GovMe

Mapping Storm Sewer Interconnections between Municipalities

City staff has collected GIS storm system data from Fife, Pierce County, Lakewood and University Place. We are awaiting data from Fircrest and Federal Way. All known connection points between City and other municipalities will be generated from this data,

and as mapping and data collection continues, the new information will be added to the GovME website.

Map Attributes of all Storm Sewer Outfalls with a 24-Inch or Greater Nominal Diameter (S5.C.2.b.ii)

Permit Deadlines and Responsible Parties:

Map land use, tributary conveyances (type, material, and size where known); and associated drainage areas for all storm sewer outfalls with a 24-inch or greater nominal diameter, or an equivalent cross-sectional area for non-pipe systems.	February 2011	Environmental Services Surface Water Section Environmental Services Environmental Compliance Section
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This work is in progress. The known outfalls and connections are in the City's mapping system. Upstream tracing of each outfall and determination of each contributing basin is in progress. Some drainage areas in the Northeast Tacoma and the Western Slopes Watersheds still need to be investigated. Land use is known and conveyance pipe type, material and size is in the City mapping system, when known.

Develop and Maintain a Map of all New Connections to the Municipal Separate Storm Sewer System (S5.C.2.b.iii)

Permit Deadlines and Responsible Parties:

Develop a program to develop and maintain a map of all connections after the effective date of the permit	Ongoing	Environmental Services Surface Water Section Environmental Services Environmental Compliance Section Construction Division
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Construction Division inspectors sign off on all new storm connections whether through residential building permits, commercial grading and building permits or private work order permits.

A standard operating procedure has been developed to coordinate between the Construction Division and Environmental Services Division to add new private drainage system connections into our mapping system as they are constructed. This document will be continually updated and refined as necessary.

Standard Operating Procedures for addition of newly constructed private drainage system connections into GovMe.

- Environmental Services Mapping Field Crew Supervisor receives notification from Public Works Construction Division when final inspection and approval of a newly constructed private drainage system is obtained (either via a Building Permit Inspection Card sign off or Private Work Order Permit completion.) Notification will include project/business name, related permit numbers, site address, project

owner contacts, summary of storm system improvements, and other pertinent information.

- Environmental Services Mapping Field Crew/Supervisor will obtain and review the related permit design information (permit plan set, Stormwater Site Plan report, etc.) for the project and determine if there is a need to field verify the location of the private drainage system. Environmental Services plan review staff will assist with the evaluation, as necessary. If the drainage system and connection location(s) require field verification, the mapping crew will locate the system.
- Environmental Services Engineering Technicians will receive the confirmed mapping information from the Mapping Field Crew. Mapping Field Crew will also inform the Environmental Compliance Inspectors that the system has been located and mapped.
- The new assets will then be input into the mapping system as “storm private line” by the Engineering Technicians.

Map Stormwater Connections with Greater than 8-inch Nominal Diameter (S5.C.2.b.iv)

Permit Deadlines and Responsible Parties:

Map existing, known connections to municipal separate storm sewers with nominal diameters greater than 8-inches to storm sewer outfalls of 24-inches or greater nominal diameter.	February 2009	Environmental Services Surface Water Section Environmental Services Environmental Compliance Section
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The City has been doing this work on a quadrant by quadrant basis for connections (private and public) to all sizes of outfalls focusing first on connections to 24-inch and greater nominal diameter outfalls. A map and list of all the 24-inch and greater nominal diameter outfalls has been developed and is being updated on a continual basis. All public structures have been mapped for connections to 24-inch and greater nominal diameter outfalls.

City staff is proceeding with the mapping of additional public and private system features for each section of the City quadrant-by-quadrant to complete the mapping for connections to all outfalls according to the Standard Operating Procedures previously described.

This requirement represents a large task and will be tracked to ensure completion. The City may adjust mapping priorities to map industrial and commercial connections first or areas based on criteria including land use intensity, size of drainage basin, or presence of sensitive areas.

Map Geographic Areas Served by the Permittee's MS4 that do not Discharge Stormwater to Surface Water (S5.C.2.b.v)

Permit Deadlines and Responsible Parties:

Map geographic areas served by the Permittee's MS4 that do not discharge stormwater to surface water.	February 2011	Environmental Services Surface Water Section Environmental Services Environmental Compliance Section
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The scope of this requirement includes mapping areas that drain to public storm system facilities that infiltrate without having a surface water outlet. Such systems in Tacoma include perforated storm sewer mainlines, and their drainage basin areas have been mapped in conjunction with mapping the attributes of all storm sewer outfalls with a 24-inch or greater nominal diameter (see Section S5.C.2.b.ii).

Provide Ecology with Mapping of all Requirements of S5.C.2.b.i. through v., above (S5.C.2.b.vi)

Permit Deadlines and Responsible Parties:

Provide Ecology with mapping of S5.C.2.b.i. through v.	Include an update with annual report	Environmental Services Surface Water Section
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The City will obtain Ecology's format from their website and confirm with Ecology the product to be submitted (website, electronic files on disk etc.). The currently available information shall be provided to Ecology upon request.

Provide Mapping Information to Co-Permittees and Secondary Permittees (S5.C.2.b.vii)

Permit Deadlines and Responsible Parties:

Provide mapping information to Co-Permittees and Secondary Permittees	Ongoing	Environmental Services Surface Water Section City Legal Department
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A policy for information distribution will need to be developed by the City. However, the majority of this information is available on the publicly accessible City of Tacoma GOVME Web site (www.cityoftacoma.org/govme), so Co-Permittees and Secondary Permittees already have access to most of the information.

S5.C.3. Interdepartmental and Permittee Coordination

Summary of Program Component

This section of the permit addresses coordination mechanisms among departments within the City of Tacoma as well as those mechanisms between the City of Tacoma and interconnected Municipal Separate Storm Sewers (MS3s) of neighboring jurisdictions covered by an NPDES permit and sharing a watershed or receiving water body.

With respect to intra-governmental coordination, this section is critical to remove barriers, promote understanding of the NPDES permit, and facilitate permit compliance within the departments of the City of Tacoma. Measures outlined below will include the purpose, methods and structure of Tacoma's intra-governmental coordination efforts.

With respect to inter-governmental coordination, this section of the permit addresses coordination mechanisms between the City and jurisdictions connected to the City's storm sewers specifically to address pollution control. It will also facilitate a coordinated approach to stormwater policies, programs and projects for a given water body or within a given watershed. At its best, coordination between jurisdictions should facilitate information sharing, eliminate duplicate efforts and promote regional solutions in a manner to most efficiently use the jurisdictions' valuable and limited resources to improve stormwater quality.

Permit Compliance Measures

Establish and Implement Written Coordination Executive Order (S5.C.3.b.i.)

Permit Deadlines and Responsible Parties:

Intra-Governmental coordination order to facilitate permit compliance	February 2008	Environmental Services Surface Water Section
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On January 28, 2008, Tacoma's City Manager, Eric Anderson and Tacoma Public Utilities Director, Bill Gaines, signed a letter addressed to all City of Tacoma Department Directors informing them of the NPDES permit and the need for their cooperation and input. Department Directors were instructed to identify a contact person to work with the City's NPDES lead, Lorna Mauren. This letter was submitted to Ecology by February 16, 2008 via email and hard copy. A copy is also attached as Appendix C.

Once the department contacts were in place, periodic meetings were held for the purpose of identifying program areas and participation, recordkeeping and training. Environmental Services, Surface Water Section acts as stormwater permit coordinator for this program. Specific tasks for intra-governmental coordination include the following:

- Identify which permit requirements apply to each department.
- Integrate compliance activities into each department's programs and operations.
- Submit information to the permit coordinator as required for the annual report to Ecology on the NPDES permit progress.

These coordination efforts facilitate completion and submittal of the NPDES Annual Report by March 31st each year.

Since 2008, interdepartmental Service Level Agreements have also been developed as new tools available to facilitate effective and efficient internal cooperation related to a variety of City services and operations. Service Level Agreements will be investigated and developed as appropriate to facilitate NPDES Permit coordination as well.

Establish Mechanisms to Coordinate SWMP Implementation among Interconnected and other Local Permittees (S5.C.3.b.ii.)

Permit Deadlines and Responsible Parties:

Inter-governmental coordination and documentation	February 2009	Environmental Services Surface Water Section
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This element of the permit has two specific coordination elements:

1. Coordination between the City of Tacoma and the physically interconnected Municipal Separate Storm Sewers (MS3s) located within Tacoma city limits or other neighboring NPDES permittees for the control of pollutants, and
2. Coordination of activities for shared water bodies among Phase I and II permittees to avoid conflicting plans, policies and regulations.

Currently, much of the coordination work required by the permit is currently happening in an informal manner. City staff coordinates with the Port of Tacoma, Pierce County, Lakewood, University Place, Fircrest, Fife and Metro Parks on regular basis when investigating concerns about the conveyance system; source tracing stormwater pollutants; and coordinating and communicating watershed issues. The City also coordinates stormwater source control efforts with the Puyallup Tribe for their properties held in trust. This coordination has provided an effective network of contacts and productive relationships. In addition, where development projects impact neighboring jurisdictions, the SEPA process provides an avenue for coordination. Currently, where projects cross jurisdictional boundaries or discharge to another jurisdiction, the City requires the more stringent of the two standards to be met. Tacoma development review staff also coordinates with the Tacoma-Pierce County Health Department regarding development in the South Tacoma Groundwater Protection District as codified in TMC 13.09. All requests for infiltration of runoff from pollution-generating impervious surfaces are discussed and coordinated through the health department.

On a watershed level, the City of Tacoma currently participates in several regional coordination efforts as required under the second part of this permit element. The City of Tacoma facilitates the South Sound Phase II Coordinator's Group which holds bimonthly meetings to discuss a variety of issues related to Permit implementation and share best management practices and program ideas. Staff also attends meetings of the Chambers/Clover Creek Watershed Council and the Puyallup River Watershed Council. These two councils cover the portions of the City that drain into freshwater receiving water bodies. The City is also participating in the regional councils for the South Central Puget Sound Action Area (including Puyallup/White WRIA 10 and portions of Chambers/Clover WRIA 12) and South Puget Sound Action Area (including portions of Chambers/Clover WRIA 12) supporting the Puget Sound Partnership efforts. In addition, the City is active in several Phase I NPDES Permit regional coordination groups, a regional stormwater monitoring work group, and multiple interagency inspector coordination groups.

The City would like to formalize these relationships with an agreement with neighboring jurisdictions. Tacoma staff has completed a Draft Intergovernmental Agreement to clarify the roles and responsibilities between interconnected municipal separate storm sewers. Tacoma staff will work with the following neighboring entities to execute this agreement: University Place, Fircrest, Lakewood, Pierce County, Fife, Milton and Federal Way. Executed agreements will be posted on the City's website and forwarded to Ecology when complete.

All efforts to establish mechanisms for coordination under this permit element will be documented in the NPDES Annual Report.

S5.C.4. Public Involvement in SWMP Development

Summary of Program Component

The City has a Public Involvement and Participation Plan dated September 13, 2007, which demonstrates how the City will involve the public in the development and updates of the SWMP prior to submittal to Ecology. Although the current NPDES permit is mostly prescriptive, public involvement is useful for identifying areas where the City may tailor its SWMP to local needs and priorities, identify additional tools to meet permit requirements, or identify areas where it is desirable to go beyond permit requirements.

The City of Tacoma's Environmental Services Commission also provides sources of continuing public input on implementation of the SWMP.

Permit Compliance Measures

Process for Public Comment on the SWMP Development and Implementation (S5.C.4.b.i.)

Permit Deadlines and Responsible Parties:

Develop and begin implementing process to involve public	August 2007	Environmental Services Surface Water Section
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Between November 2007 and January 2008, a series of focus group workshops were hosted by Environmental Services Surface Water Section to collect stakeholder input while drafting the new SWMP. The first workshop addressed Section S5.C.2 Municipal Separate Storm Sewer Mapping and Documentation, S5.C.3 Coordination, S5.C.4 Public Involvement and Participation and S5.C.10 Education and Outreach. The second workshop addressed Section S5.C.5 Controlling Runoff from New Development, Redevelopment and Construction Sites. The third workshop addressed Section S5.C.7 Source Control Program for Existing Development and S5.C.8 Illicit Connections and Illicit Discharges Detection and Elimination. The last focus group workshop addressed Section S5.C.6 Structural Stormwater Controls and Section S5.C.9 Operation and Maintenance. In February 2008, the draft SWMP was placed on the City website for public review and a final public meeting was held to collect public input on the draft SWMP prior to finalization and submittal to Ecology.

The City's SWMP will be reviewed annually and revised when necessary to accurately reflect any changes in stormwater management based on review and assessment of the NPDES Annual Report findings. Opportunities for public input during the implementation

and update of the SWMP will be provided. We will notify the focus group workshop attendees and other stakeholders of any proposed updates to our SWMP, and the proposed changes will also be posted on the Surface Water Management Web site. We will hold a publically advertised workshop to present significant SWMP updates and gather more input from the public. These activities will provide the public with multiple opportunities to have input into the ongoing implementation and update of the City's SWMP. A copy of the Public Involvement and Participation Plan was provided to Ecology when it was completed, and a copy of it is also attached as Appendix A to this SWMP.

The City of Tacoma's Environmental Services Commission provides public input on implementation of the SWMP. The Commission members advise the City of Tacoma staff and the City Council on issues affecting the Environmental Services Division's three utilities, which include Surface Water, Wastewater and Solid Waste. Commissioners represent a cross section of Tacoma's residential, business and regulatory communities and are selected by the City Manager to serve five-year terms.

The Commission reviews, advises and makes recommendations to City staff and the City Council regarding:

- Residential and commercial programs and services
- Short-term and long-range planning
- Rates, rate structures and rate assistance programs
- Capital Investment Program financing structures
- Revisions to or new contracts for City-provided wholesale and retail services
- City of Tacoma policies directly related to utility functions

A description of the Environmental Services Commission structure and format is included in Appendix D.

Public involvement to implement the SWMP is also included in the education and outreach actions as described under SWMP Section S5.C.10.

Other public involvement processes are in place to implement the SWMP, these include:

- Public involvement to update the Surface Water Management Manual in 2008.
- Public involvement to update the Critical Areas Preservation Code TMC Chapter 13.11 in 2008 and 2009.
- Public involvement to create the Complete Streets guidelines for residential and mixed use centers in 2008 and 2009 which incorporate low impact development stormwater features in street designs.
- Public involvement to update the Shoreline Management Code TMC Chapter 13.10 in 2010.

Make SWMP Materials Available on the City Web Page (S5.C.4.b.ii.)

Permit Deadlines and Responsible Parties:

Make all NPDES permit submittals available on City Web site	March 2008	Environmental Services Surface Water Section
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		City Community Relations Office
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NPDES permit submittals to Ecology are currently posted and continually updated at the Surface Water Management home page located on the City of Tacoma website:

<http://www.cityoftacoma.org/surfacewater>.

S5.C.5. Development Regulations to Control Runoff from New Development and Redevelopment

Summary of Program Component

The City has an established permitting program for new development and redevelopment projects ranging from construction of single-family homes to complex mixed-use developments and industrial sites. Proposed land use actions are conditioned with stormwater minimum development requirements. Construction projects are inspected for erosion and sediment control during construction and the installation of permanent stormwater management facilities. Existing stormwater facilities are inspected for ongoing maintenance.

The City's Surface Water Management Manual has been updated and was determined equivalent to Ecology's Manual. City staff is also investigating code and standards revisions to require Low Impact Development (LID) techniques for stormwater management, where feasible.

Permit Compliance Measures

Ongoing Program to Control Stormwater Impacts from Development, Redevelopment, and Construction (S5.C.5.a.)

The City of Tacoma addresses stormwater management from development, redevelopment and construction, including erosion prevention and sediment control through regulations contained in the Tacoma Municipal Code (TMC). These include the Surface Water Management Regulation and Rates (TMC Chapter 12.08), the Clearing and Grading Code (TMC Chapter 2.02.370), and the Critical Areas Preservation Ordinance (TMC Chapter 13.11). The development requirements included in the City of Tacoma Surface Water Management Manual are included by reference in TMC Chapter 12.08.090 D.

The Critical Areas Preservation Ordinance (CAPO) contains protection language requiring compliance with the City's current Surface Water Management Manual. In addition, the CAPO requires hydrologic studies and balancing pre-development and post-development stormwater flows to all wetlands and streams found on or within 300 feet of a development site. Water quality treatment is also required for all pollution generating surfaces that discharge into wetlands or streams.

Public Works Building and Land Use Services Division, Construction Division and Environmental Services Science and Engineering Division are the primary divisions responsible for implementing the development regulations and providing permit submittal review and approval as well as inspection services for private development. Publicly funded Capital Improvement Projects must meet the same stormwater management and

erosion control standards, included in the City of Tacoma Surface Water Management Manual. Construction inspections are performed by the Public Works Construction Division (for streets, roads, and the municipal sewer system) and the Tacoma Public Utilities Department (for drinking water services and transmission lines, power transmission, and Click! cable).

Adopt Stormwater and Erosion Control Standards Equivalent to the 2005 Stormwater Management Manual for Western Washington (S5.C.5.b.i., ii., iv.)

Permit Deadlines and Responsible Parties:

Submit draft Surface Water Management Manual standards and ordinances to Ecology	February 2008	Environmental Services Surface Water Section
Adopt and implement equivalent manual and procedures	August 2008	Environmental Services Surface Water Section

The current City of Tacoma Surface Water Management Manual (Manual) includes the BMP selection and design criteria from Ecology's 2005 Stormwater Management Manual for Western Washington (2005 Ecology Manual). The Manual assists in meeting this permit's requirements to protect water quality, reduce the discharge of pollutants to the maximum extent practicable, and satisfy the state AKART requirements. The development requirements included in the most updated version of the City of Tacoma Surface Water Management Manual are included by reference in Tacoma Municipal Code Chapter 12.08.090D. The municipal code is available to view online at:

<http://www.cityoftacoma.org/Page.aspx?hid=1946>. An ordinance update was completed in October, 2008 to make the City's Exceptions process equivalent to Ecology standards.

The City's Manual has been updated by the Environmental Services Surface Water Section through a public review process including Ecology review.. The revised Manual update also addresses issues of clarity, organization, and providing easy-to-find answers to common customer questions. The 2008 Manual has been in effect since September 22, 2008 and has been approved by Ecology for equivalency. The 2008 Manual is now listed, along with the updated Tacoma Municipal Code Chapter 12.08, in the NPDES Phase I Permit Appendix 10: Equivalent Programs for Runoff Controls for New and Redevelopment and Construction Sites.

Additional errata are being corrected and will be incorporated into a 2010 Surface Water Management Manual update.

Revise Development Standards to Incorporate Low Impact Development (LID) Projects (S5.C.5.b.iii.)

Permit Deadlines and Responsible Parties:

Allow non-structural preventative actions and LID approaches to minimize impervious surfaces and soil disturbance	August, 2008	Environmental Services Surface Water Section
Require, where feasible, non-structural	Deadline to be	Environmental Services

preventative actions and LID approaches to minimize impervious surfaces and soil disturbance	determined by next permit modification	Surface Water Section
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Low Impact Development (LID) projects are currently allowed by the City's Manual and other development standards. Volume 6 of the City's 2008 Manual is dedicated to Low Impact Development and contains newly developed City standards. The City also permits LID projects based on the design standards in the Ecology-approved PSAT Low Impact Development Technical Guidance Manual for Puget Sound (http://www.psat.wa.gov/Publications/LID_tech_manual05/lid_index.htm.) In November 2009, the City finalized Complete Street Design Guidelines for Residential Streets and Mixed Use Centers identifying specific low impact development stormwater features that should be considered as the first design choice for street improvements and implemented whenever appropriate, feasible, cost-effective and desired by the neighborhood. The City is working with a consultant to establish incentives for LID and further reduce permitting impediments to LID by developing LID specific standards in the Municipal Code and Public Works Design Standards. This work will be coordinated with Ecology's formal guidance to be issued in 2010 defining the scope of LID techniques to be considered, criteria for determining the feasibility of LID techniques, and a LID performance standard.

Legal Authority to Enforce Maintenance Standards for Private Stormwater Facilities Approved by the City of Tacoma (S5.C.5.b.v.)

Permit Deadlines and Responsible Parties:

Authority to enforce maintenance requirements	August 2008	Environmental Services Surface Water Section City Legal Department
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Since the initial NPDES Phase I Municipal Stormwater Permit was issued in 1995, the City has had the necessary legal authority to establish standards, and inspect and enforce standards for private stormwater facility maintenance. The Tacoma Municipal Code (TMC) Chapter 12.08.007 C provides inspection authority; TMC 12.08.007 D provides right-of-entry authority, and TMC 12.08.090 D.10 requires an operation and maintenance plan for permitted private drainage facilities.

Permitting, Plan Review, Inspection, and Enforcement of Standards Equivalent to the 2005 Ecology Manual (S5.C.5.b.vi.)

Permit Deadlines and Responsible Parties:

System to review all plan submittals meeting thresholds	August 2008	Building and Land Use Services Environmental Services Surface Water Section
Pre-clearing inspection for sites having high sediment damage potential	August 2008	Building and Land Use Services Environmental Services Surface Water Section

Inspection and enforcement program for erosion and sediment control BMPs	August 2008	Building and Land Use Services Construction Division Building and Land Use Services Code Compliance Environmental Services Environmental Compliance Section
Post-construction inspection for erosion and sediment control (ESC) and drainage facilities with maintenance plans	August 2008	Building and Land Use Services Construction Division Environmental Services Environmental Compliance Section
Record keeping procedures in place	August 2008	Building and Land Use Services Building and Land Use Services Code Compliance Environmental Services Environmental Compliance Section
Enforcement strategy for non-compliance response	August 2008	Building and Land Use Services Building and Land Use Services Code Compliance Environmental Services Environmental Compliance Section

System to Review all Plan Submittals Meeting Thresholds

The current program provides plan review for all projects involving land disturbing activities that meet the development thresholds specified in the 2005 Ecology Manual. These same development thresholds are listed in Tacoma's Surface Water Management Manual and on the enhancement tab for permit customer records in SAP, the City's Information Management System database. The single family residential/duplex building permit plan review process was reviewed in 2008 and revised to verify that a Stormwater Site Plan will be submitted for review and approval of all projects that meet the NPDES Permit Appendix 1 thresholds. The commercial permitting process is also continually evaluated to ensure there are no gaps in enforcement of the NPDES Permit requirements once the process revision for single family/duplex permits has been implemented.

Pre-Clearing Inspection for Sites having High Sediment Damage Potential

Pre-clearing inspections are currently accomplished by plan review staff from Building and Land Use Services and Environmental Services in order to enforce the Grading Ordinance and meet the erosion and sediment control standards outlined in Tacoma's Surface Water Management Manual. In addition, the sediment transport potential criteria in the NPDES Permit Appendix 7 are being added to the Stormwater Pollution Prevention Plan submittal

requirements and will be reviewed by Environmental Services plan review staff for each threshold project during plan review. Environmental Services plan review staff will inspect projects meeting the criteria for an “HSTP” site prior to clearing and will inform the Building and Construction Inspectors assigned to the project of the “HSTP” status for their information during erosion and sediment control inspections.

Inspection and Enforcement Program for Erosion and Sediment Control BMPs

Inspections for installation and on-going maintenance of erosion and sediment control measures are currently completed by the Building Inspectors and Environmental Specialists (BLUS Division) for projects on private property and by the Construction Inspectors (Construction Division) for projects in the right-of-way. Environmental Services offers technical assistance through site visits and complaint response. Environmental Services may implement appropriate enforcement actions in accordance with the Stormwater Compliance Policy and TMC 12.08.

Public Works Capital Improvement Projects (streets, storm sewer, sanitary sewer) are inspected by Construction Inspectors and Tacoma Public Utilities Projects (drinking water service and transmission lines, power transmission, and Click! cable) are inspected by Public Utilities Inspectors.

Post-Construction Inspection for Erosion and Sediment Control (ESC) and Drainage Facilities with Maintenance Plans

As discussed in the previous paragraphs, inspection of erosion and sediment control BMPs prior to final approval/occupancy is completed by the inspection staff listed above.

Private Drainage Facilities

Private residential drainage facilities for plats and short plats are inspected by Construction Inspectors under private work order permits. New drainage treatment and flow control facilities built under commercial building permits are required to be inspected by the design engineer to confirm proper installation per the approved permit plans with a stamped letter submitted to the City prior to final inspection and building occupancy sign-off. For commercial building permits, Environmental Services Environmental Compliance Section Inspectors are inspecting and signing off on treatment and flow control facilities. This final inspection provides a way for Environmental Compliance Inspectors to identify and begin tracking maintenance of newly constructed stormwater facilities.

Maintenance manuals are required to be reviewed and approved for compliance with the requirements of the City of Tacoma Surface Water Management Manual prior to permit approval. A copy of the drainage system maintenance manual is required to be kept on-site, and a copy is kept on file by Environmental Services Surface Water Section for use during stormwater source control inspections. Responsibility for private facility maintenance falls to the property owner. In cases where there are multiple owners, such as residential stormwater facilities maintained by a homeowner associations, enforcement can be more difficult.

Public drainage facilities

Public storm sewer projects that are dedicated to Public Works for ongoing maintenance are inspected for conformance to the City of Tacoma Surface Water Management Manual and Public Works design and maintenance standards. Public stormwater facilities are

maintained using maintenance standards and inspection schedules prescribed in SWMP Section S5.C.9. Maintenance and Operations.

Record Keeping Procedures in Place

Building and Land Use Code Compliance Inspectors and Building Inspectors track construction phase inspections and violations in the City's information management system database (SAP). Environmental Compliance Inspectors keep an additional database of business inspection violations (including failing to maintain existing stormwater BMPs and spill complaints.) Compliance with the permit requirements described in Permit Section S5.C.5.b.vi. is currently being achieved by inspecting a minimum of 80% of projects involving land disturbing activities that meet the development thresholds specified in the 2005 Ecology Manual.

All commercial sites with drainage to the City's municipal separate storm sewer system (MS4) are on a cycle for inspection by the Environmental Compliance Inspectors during the next five-year permit period.

Residential sites (plats and short plats) with private drainage facilities are not on a regular City inspection cycle to verify that ongoing maintenance is performed. However, a Covenant and Easement agreement is required to be executed between the owner(s) of the lots and the City prior to final plat approval, affirming for the owner(s) commitment to perform regular inspections and maintenance of the shared private drainage system.

Enforcement Strategy for Non-Compliance Response

Environmental Services Environmental Compliance Inspectors currently implement a draft Enforcement Policy that includes enforcement strategies including Notices of Violation and civil penalties. The inspectors focus on owner education and voluntary compliance through business inspections. Environmental Compliance Inspectors also refer cases to Ecology for follow-up and enforcement when cases directly impact waters of the state.

Building and Land Use Services Building Inspectors and Code Compliance Inspectors have enforcement procedures for non-compliance with permitting conditions per Tacoma's Municipal Code Chapter 2.02.130. Enforcement measures include stop work orders, Notices of Violation, fines, and Certificates of Complaint attached to the title of the property. Construction Inspectors may issue a stop work order on a construction site in the right-of-way in cases of non-compliance with permitting conditions. Both Environmental Compliance Inspectors and Construction Inspectors may refer cases to the Building and Land Use Services Code Compliance office to pursue further enforcement actions.

Public works construction projects are required to comply with construction contracts which enforce state and local regulations. In the cases where City personnel construct improvements, they manage the projects to conform to Public Works design standards and the Regional Road Maintenance ESA Program Guidelines (refer to SWMP Section S5.C.9. Maintenance and Operations Program.)

Notice of Intent (NOI) Forms for Construction and Industrial Stormwater General Permits (S5.C.5.b.vii.)

Permit Deadlines and Responsible Parties:

Notice of Intent (NOI) forms available to public	February 2007	Building and Land Use Services
Enforce local ordinances controlling runoff from sites that are covered by other stormwater permits issued by Ecology	February 2007	Environmental Services Environmental Compliance Section

The NPDES Municipal Stormwater Permit requires the City to provide project applicants seeking City building permits with information describing the Ecology Construction General Permit and Industrial Stormwater General Permit which also may apply to their project.

The City's GovME permit information Web site provides links to Ecology's Web site where project applicants can find information about obtaining coverage under the NPDES Construction General Permit and NPDES Industrial General Stormwater Permit. Information is also available, as part of the permit sign-off from Environmental Services Surface Water Section.

The City of Tacoma enforces local ordinances controlling runoff from sites that discharge stormwater to the City's municipal separate storm sewer system (MS4), even if covered by other stormwater permits issued by Ecology.

Training for Development Permitting and Construction Inspection Personnel (S5.C.5.b.viii.)

Permit Deadlines and Responsible Parties:

Training program and tracking in place	August 2008	Building and Land Use Services Construction Division Building and Land Use Services Code Compliance Environmental Services Environmental Compliance Section Environmental Services Surface Water Section
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The City has been providing training to plan review, inspection, and enforcement personnel in the City concerning erosion and sediment control measures and private drainage system operation and maintenance. Relevant training opportunities have been

developed for plan review, inspection and enforcement personnel and records of the training are being updated in SAP, the City's Information Management System database.

S5.C.6. Program to Plan and Build Structural Stormwater Control to Reduce Stormwater Impacts

Summary of Program Component

The requirement of this section of the SWMP is to develop a program to construct structural stormwater controls. These controls are intended to prevent or reduce negative impacts to waters of the state caused by discharges from municipal stormwater collection and conveyance systems. The controls can also address impacts caused by private collection and conveyance systems which connect directly to the City storm system.

The primary stormwater impacts which this program will be designed to address include disturbances to watershed hydrology and stormwater pollution discharges from existing development.

Permit Compliance Measures

The NPDES Permit requires the City of Tacoma to develop a Structural Stormwater Control Program designed to control stormwater impacts. The compliance requirements are as follows:

Develop and Implement a Stormwater Structural Control Program (S5.C.6.b.i, ii, iii)

Permit Deadlines and Responsible Parties:

Develop a Structural Stormwater Control Program	February 2008	Environmental Services Surface Water Section
Implement the Structural Stormwater Control Program	August 2008	Environmental Services Surface Water Section Public Works Engineering Division

To address this compliance measure the City of Tacoma has a Stormwater Capital Improvement Program. The Environmental Services Surface Water Section has defined two primary goals for the Stormwater Capital Improvement Program through the Asset Management Implementation process:

- The protection of human health and the environment throughout our service area
- The efficient and effective management of Tacoma's wastewater and surface water and the protection of the public's investment in its infrastructure assets

Together these goals support the overall vision that the receiving waters of Commencement Bay and adjacent aquatic environments are healthy and vibrant through a balance of community development and ecosystem protection. The Asset Management Implementation process is providing a method of prioritization with procedures and criteria to select Structural Stormwater Control projects.

Stormwater Capital Improvement Program

The Stormwater Capital Improvement Program (CIP) is an established program that focuses primarily on the design and development of construction projects in areas of existing development. CIP projects typically include, but are not limited to, projects that address:

- Localized flooding
- Capacity problems and/or defects of collection and conveyance systems
- Maintenance of existing stormwater facilities
- Construction of new stormwater facilities

The planning process used to develop these projects is typically based on the following:

- Public Safety
- Pipe Criticality Modeling
- Future Service Expansion Modeling
- Budget Analysis
- Risk to Receiving Waters

Current Flow Control and Treatment Practices

The majority of the City's surface water runoff drains directly to saltwater outfalls in the Tacoma Narrows and Commencement Bay and does not require detention except in cases of inadequate downstream storm system capacity or stability. In the Leach Creek and Flett Creek watersheds, the City currently controls the discharge rates of surface water flows by routing stormwater collection systems through regional detention facilities. Some level of treatment of the stormwater also occurs within these facilities; however, the amount of treatment has not been quantified.

The City requires localized stormwater treatment facilities to be constructed on all public street projects when the development thresholds established in the City's Surface Water Management Manual are exceeded.

Implementation and Record-keeping

As part of the requirement of the NPDES Permit, the City is developing a tracking system for public improvement projects, including Capital Improvement Projects, Local Improvement District projects, and Arterial Street. This tracking system will be designed to record the types and quantities of flow control and treatment facilities to be implemented on each project. The tracking system results will be included in the NPDES Annual Report. The NPDES Annual Report will also attempt to estimate the reduction in stormwater pollutants; the reduction in flows during heavy rain events; how each project meets MEP (maximum extent practicable) and AKART (All Known, Available and Reasonable methods of prevention, control and Treatment) requirements; and a description of any habitat enhancements that will be implemented as a part of the public improvement projects. Input of database information for each City project will be the responsibility of the project engineer. Development of the tracking system will be the responsibility of the Environmental Services Surface Water Section.

S5.C.7. Source Control Program for Existing Development

Summary of Program Component

The Source Control Program includes the following elements outlined in the NPDES Municipal Stormwater Permit Section S5.C.7.a.

Application of Operational and Structural Source Control BMPs on Existing Sites (S5.C.7.a.i.)

Environmental Compliance staff notifies industries and businesses of BMP requirements during standard business inspections of targeted industrial users and activities, when responding to spill complaints, and at sites discovered during the City's illicit discharge screening process. The Source Control Program references Tacoma's Surface Water Management Manual for BMP standards. The Source Control Program includes inspection, education and enforcement procedures.

The 2008 City of Tacoma Surface Water Management Manual Volume IV provides source control best management practice (BMP) guidance for all existing businesses and government agency activities within Tacoma. The 2008 update of Volume IV of the City's Manual provides more helpful figures, photos, and specific guidance based on business inspectors' field experience.

Inspection of Pollutant Generating Sources (S5.C.7.a.ii.)

The program includes inspections of pollutant generating sources at commercial, industrial and multifamily properties to enforce implementation of required BMPs to control pollution discharging into municipal separate storm sewers owned or operated by the City.

The City began conducting stormwater business inspections prior to 1984 as part of its delegated responsibility to implement Ecology's NPDES sanitary sewer pretreatment program. Environmental Compliance staff is now inspecting multi-family units (including four or more residential units) in addition to businesses and industries. In order to identify unknown businesses as candidates for source control inspections, the Environmental Compliance inspectors are performing inspection sweeps in their assigned inspection areas, completing "windshield surveys" and reviewing telephone book listings. The City of Tacoma Tax and License continues to forward information from business license applications to Environmental Compliance staff for reference.

Application and Enforcement of Local Ordinances at Applicable Sites Including Sites that are Covered by Other Stormwater Permits Issued by Ecology (S5.C.7.a.iii.)

Tacoma Municipal Code (TMC) 12.08 defines storm water violations and provides a mechanism to take appropriate enforcement actions for stormwater quality violations. Environmental Compliance staff assesses businesses that qualify for NPDES General Stormwater Permit coverage during inspections and forward pertinent information to Ecology. Environmental Compliance inspectors respond to spill complaints at sites covered by Ecology's Stormwater Permits. The City has the authority to apply local ordinances to sites covered by Ecology General Construction and Industrial Stormwater Permits through TMC 12.08.007 A., which says Chapter 12.08 applies to all direct and indirect users of the municipal sewer system.

In cases where other agencies have direct authority, such as at Ecology NPDES-permitted industrial facilities; sites with direct discharges to receiving waters; underground

injection control (infiltration) systems; or sites requiring a waste discharge permit, the City defers to the State for enforcement.

Reduction of Pollutants Associated with Pesticides, Herbicides and Fertilizers (S5.C.7.a.iv.)

The City of Tacoma does not currently regulate the application of pesticides, herbicides or fertilizers. Enforcement needs to be addressed at the regional or state level. Education about reduction of pesticide, herbicide and fertilizer use is provided by the City's Community Relations Office, through the City's EnviroChallenger school education program, at the City's Envirohouse green building demonstration site, and through communication tools such as the EnviroTalk newsletter and utility bill inserts (see Section S5.C.10 Education and Outreach Program).

Until the City updates the Draft Integrated Pest Management (IPM) Program, vegetation management activities will continue to be guided by the Draft IPM Program and the Regional Road Maintenance Endangered Species Act (ESA) Program Guidelines. The Integrated Pest Management Program is being updated by a City-wide interdepartmental team representing the maintenance crews who will be using it.

Permit Compliance Measures

Adopt and Enforce an Ordinance Requiring Source Control BMPs (S5.C.7.b.i.)

Permit Deadlines and Responsible Parties:

Submit draft source control program to Ecology and related ordinances and enforceable documents	February 2008	Environmental Services Environmental Compliance Section
Adopt ordinance and revised Surface Water Management Manual	August 2008	Environmental Services Surface Water Section City Legal Department

The City has an established Source Control Program to meet this requirement that originated from a consent decree with the USEPA for the Thea Foss Waterway Superfund Cleanup. This Source Control Program has been expanded citywide and fulfills the majority of NPDES permit requirements. The Environmental Compliance Support group is implementing the source control program. Businesses are being informed and provided copies of operational source control BMPs during regular business inspections and responses to spill complaints. Additionally, all City-owned facilities and properties that have been identified as potential pollutant generating sites are being comprehensively inspected and issued compliance letters to address deficiencies in surface water and wastewater best management practices. This effort is ongoing and will require continued coordination among City Departments to follow-up and implement the compliance letter recommendations.

The existing Tacoma Municipal Code Chapter 12.08 (available to view online at <http://www.cityoftacoma.org/Page.aspx?hid=1946>) provides enforcement authority for regulation of discharges to City storm and sanitary sewers. The City's current Surface

Water Management Manual Volume IV outlining the source control BMPs has been updated to provide more helpful figures, photos, and specific guidance based on business inspectors' field experience and remains equivalent to Ecology's 2005 Stormwater Management Manual for Western Washington.

**Create and Maintain an Inventory of Potential Pollutant Generating Sites
(S5.C.7.b.ii.)**

Permit Deadline and Responsible Parties:

Compile list of potential pollutant generating sites including transient mobile or home-based businesses	August 2008	Environmental Services Environmental Compliance Section
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An inventory of potential stormwater pollutant generating sites for source control inspections has been developed and will continue to evolve. The list of 4,907 commercial/business facilities and 1,401 multi-family facilities is compiled and distilled from City of Tacoma stormwater utility account information. It is as complete as possible using the limited tools available. Therefore, the City of Tacoma considers this list the starting point and will take a geographic "door to door" approach to updating and revising this list. Our inspectors will refer to the list to assure that all of the known businesses and land uses are included in our survey efforts and modify as the on-site inspections are conducted through the City. Additionally, a wastewater and stormwater survey has been developed and attached to Tacoma annual business license renewal forms to identify potential pollutant generating sites with existing stormwater facilities and the maintenance frequency of those facilities.

Potential pollutant generators include:

- All tax lots that have mapped impervious area used to calculate surface water rates and charges
- Commercial, industrial and governmental sites with specific business practices that may impact stormwater quality
- All multifamily sites with four or more residences

In addition to the planned source control inspections, all Pollution Complaint responses (inspections, spill response, complaints, sanitary sewer overflows) are investigated promptly, coordinating with other agencies as appropriate. These complaints are documented in the Source Control database and are used to identify other pollutant generating sources, such as mobile or home-based businesses. The database information is reviewed prior to conducting an inspection. Environmental Compliance staff also reviews all new and renewed home occupational business licenses. Inspectors are trained to regularly perform drive-by observations while travelling through areas of concern.

Inspect Businesses for Compliance with Source Control Requirements (S5.C.7.b.iii.)**Permit Deadlines and Responsible Parties:**

Provide source control BMP information to all businesses in inventory list from S5.C.7.b.ii	February 2009 through February 2012	Environmental Services Environmental Compliance Section City Community Relations Office
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The Environmental Compliance Section provides information on BMPs and program literature directly to businesses during site visits. Inspectors educate the general public and businesses on BMPs and City of Tacoma environmental programs. The City Community Relations Office also provides relevant city-wide education programs. Direct mailings are planned to target specific business practices.

Permit Deadlines and Responsible Parties:

Begin inspecting 20% per year of businesses in inventory list from S5.C.7.b.ii	February 2009	Environmental Services Environmental Compliance Section
Inspect 100% of all sites identified through complaints	February 2009	Environmental Services Environmental Compliance Section

Investigation and enforcement occurs in response to all legitimate water quality complaints to the Environmental Compliance Source Control Program. It is estimated that there are 6,308 sites that could qualify for inspection under S5.C.7.b.ii. This list of potential pollutant generating sites includes 4,907 commercial/business sites and 1,401 multifamily properties. Environmental Compliance has adopted a geographic inspection strategy that focuses on door-to-door compliance inspections in assigned areas throughout the City. The inspectors inspect a minimum of 20% of these sites annually (including follow up compliance inspections at the same site toward the 20% inspection rate) to assure BMP effectiveness and compliance with source control requirements. Investigation and enforcement occurs in response to all legitimate water quality complaints to the Environmental Compliance Source Control Program.

The Environmental Compliance Section has been using a custom database used for tracking spills, complaints, business inspections and flooding claims since 2003. Regular updates and refinements have been made to facilitate advanced data management for tracking inspections.

Implement Progressive Enforcement Policy and Documentation (S5.C.7.b.iv.)**Permit Deadlines and Responsible Parties:**

Finalize combined enforcement response policy including contacting Ecology immediately with severe violations	February 2009	Environmental Services Environmental Compliance Section City Legal Department
Develop tracking system for inspections and enforcement actions	February 2009	Environmental Services Environmental Compliance Section

In order for the City to implement a progressive enforcement policy to compel sites to come into compliance with stormwater requirements within a reasonable time period, the Environmental Compliance Section uses incremental enforcement as defined in the City's Draft Stormwater Compliance Policy and Tacoma Municipal Code 12.08. Enforcement procedures may include phone calls, reminder letters, follow-up inspections, warning letters, Notices of Violation, and civil penalties. Municipal Code 12.08 provides for inspection of all properties served by the sanitary or storm sewer systems.

The Environmental Compliance inspectors contact Ecology as standard operating procedure for all serious source control violations that present a severe threat to human health or the environment. In addition, Environmental Compliance requests assistance from Ecology with non-responsive enforcement cases and will continue to do so to facilitate prompt compliance. Environmental Compliance refers violations in the South Tacoma Groundwater Protection District to the Tacoma-Pierce County Health Department for follow up.

The City documents all inspection and enforcement activities in the Environmental Services inspection database and business inspection files.

Training Program for Source Control Staff (5.C.7.b.v.)**Permit Deadlines and Responsible Parties:**

Complete training and documentation	February 2009	Environmental Services Environmental Compliance Section
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Environmental Compliance has developed a training program for all Environmental Compliance source control staff which includes regularly scheduled follow-up training. The training will facilitate uniform enforcement of the applicable source control requirements listed in Tacoma Municipal Code 12.08 and the City's Surface Water Management Manual and includes legal authority, proper use and application of source control BMPs, inspection procedures and the enforcement process. The training program will be documented to maintain a list of trained staff in SAP, the City's Information Management System database.

S5.C.8. Illicit Connection and Discharge Detection and Elimination (IDDE)

Summary of Program Component

The City of Tacoma Environmental Services Division operates a robust Illicit Connection and Discharge Detection and Elimination (IDDE) program through source control enforcement and stormwater monitoring. This program will also address prohibited discharges and associated source control best management practices (BMPs) for non-stormwater discharges as outlined in the NPDES Municipal Stormwater Permit. These discharges include:

- Discharges from potable water sources,
- Lawn watering and irrigation runoff,
- Swimming pool discharges, and
- Street and sidewalk wash water, dust control, and external building wash down.

Permit Compliance Measures

Continue Existing Program and Address Other MS4s (S5.C.8.b.i.)

Permit Deadlines and Responsible Parties:

Continue current IDDE program	February 2007	Environmental Services Environmental Compliance Section
Program to address pollutants from other MS4s	February 2009	Environmental Services Environmental Compliance Section

The City's existing IDDE program follows standard procedures based on the October 2004 Center for Watershed Protection guidance manual entitled "Illicit Discharge Detection and Elimination: A Guidance Manual for Program Development and Technical Assessments" as referenced in Section S5.C.8.b.vi of the NPDES Municipal Stormwater Permit. The IDDE field screening efforts have already been initiated and will continue to expand to screen for illicit connections, spills or other discharges in all drainage sub-basins throughout the City.

Most neighboring MS4 connection points to the City storm system were mapped in 2008 and IDDE screening of these locations has been added to the existing IDDE field screening program.

Address New Prohibited Discharges and BMPs (S5.C.8.b.ii.)**Permit Deadlines and Responsible Parties:**

Add prohibited discharges to S5.C.10. Public Outreach and Education Program	August 2008	Environmental Services Environmental Compliance Section City Community Relations Office Tacoma Public Utilities Water Department
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Tacoma Municipal Code (TMC) 12.08.080 A & B allows persons to discharge only “unpolluted waters” into the City storm drains. This ordinance addresses the fifth category in the NPDES Municipal Stormwater Permit Special Condition S5.C.8.b.ii (2), titled “Other non-stormwater discharges.” The City intends to address the other remaining four categories listed under permit section S5.C.8.b.ii (2) through “other regulatory mechanisms.” This includes requiring best management practices for dechlorination as specified in the NPDES Municipal Stormwater Permit, or requiring that the discharges be minimized through public education. The City Surface Water Management Manual update includes the dechlorination specifications listed under permit Section S5.C.8.b.ii (2). The Public Outreach and Education Program described in SWMP Section S5.C.10 will address the prohibited discharges itemized in Section S5.C.8.b.ii (2) including lawn watering, irrigation runoff, street and sidewalk wash water, dust control watering, and external building wash down. We will include prohibited discharge BMP information and messages on the City of Tacoma Surface Water Web site, print materials and public service announcements. In addition, we are working with the Tacoma-Pierce County Health Department’s Natural Yard Care Program which includes workshops provided throughout Pierce County and Tacoma. Environmental Compliance staff is educating people about the prohibited discharges during their routine business inspections.

Training Program for IDDE Staff (S5.C.8.b.iii.)**Permit Deadlines and Responsible Parties:**

Complete training for IDDE staff	August 2008	Environmental Services Environmental Compliance Section; Human Resources Risk Management Division
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In 2008 Environmental Services Environmental Compliance Section identified a list of City field staff that identify, investigate, terminate, clean up, and report illicit discharges and spills including Collection System Workers, Collection System Technicians, Engineering Technicians, Environmental Specialists, Senior Environmental Specialists and Source Control Representatives.

The Environmental Compliance Section lead has initiated a series of training sessions for field staff responsible for identification, investigation, termination, cleanup and reporting of illicit discharges. This training is in the form of bi-weekly training covering many aspects of work associated with the IDDE program. Classes also include the documentation and reporting process once illicit discharges are found, environmental sampling for enforcement, electronic filing via wireless internet service, and BMP training. The City of

Tacoma Risk Management Safety Office is providing Health and Safety training to field staff. Training is being documented in SAP, the City's Information Management System database.

Environmental Compliance Section Training Program for Field Staff to ID Illicit Discharges and Connections (S5.C.8.b.iv.)

Permit Deadlines and Responsible Parties:

Complete training for other municipal field staff	February 2009	Environmental Services Environmental Compliance Section Environmental Services Surface Water Section Environmental Services Sewer Transmission Maintenance Section Environmental Services Special Projects Division Environmental Services Science and Engineering Environmental Services Solid Waste Division Building and Land Use Services Building and Land Use Services Code Compliance Construction Division Traffic Engineering/Signal Division Tacoma Public Utilities Water Department/Power Department/Click! Cable Services/Rail/Grounds Maintenance City Fire Department Public Works Facilities Maintenance Public Works Fleet Services Public Works Real Property Services Streets and Grounds Maintenance Division
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City field staff that may discover illicit discharges while performing their job responsibilities have been identified and is being provided information about how to identify illicit discharges. The appropriate response and referral options for reporting the discharges are the focus of a training video which is accessible internally through the City Web site or available for viewing at staff meetings. Information cards and fleet vehicle windshield clings listing the phone numbers for reporting illicit discharges will be distributed to City staff. The training will be documented in SAP, the City's Information Management System database, and we will identify needs for follow-up training.

Establish Publicly Listed Water Quality Problem Reporting Line (S5.C.8.b.v.)**Permit Deadlines and Responsible Parties:**

Establish water quality complaint line	August 2007	Environmental Services Environmental Compliance Section
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The City of Tacoma uses a local environmental organization, Citizens for a Healthy Bay (CHB), to operate its 24-hour customer service line as a water quality complaint line. The published phone number (253) 383-2429 is established in directories throughout the City of Tacoma and on the organization's website at www.healthybay.org.

Illicit Connection Field Screening Program (S5.C.8.b.vi.)**Permit Deadlines and Responsible Parties:**

Complete screening for 60% of conveyance system within City limits	February 2012	Environmental Services Environmental Compliance Section
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The City of Tacoma Storm Drain Illicit Connection Field Screening IDDE Program is jointly implemented with the Sanitary Infiltration and Intrusion Program and has a more aggressive timeline than this permit requirement. Field crews investigate sanitary and storm connections by initial smoke testing, then they verify results with a dye test, if necessary. All field screening data is collected and stored on the City's GovME Web site. A sub-watershed by sub-watershed investigation is ongoing and updated daily on this Web site. Conveyances and outfalls in the City have been prioritized for field screening and source tracing based on criteria including presence of sensitive areas, stormwater and sanitary sewer system age and criticality, and historic construction methods.

Response to Illicit Connections (S5.C.8.b.vii.)**Permit Deadlines and Responsible Parties:**

Initiate investigation following discovery or complaint	Within 21 days	Environmental Services Environmental Compliance Section
Upon confirmation, terminate illicit connections	Within 6 months	Environmental Services Environmental Compliance Section
Refer to Ecology if severe threat to environment or health exists	Immediately	Environmental Services Environmental Compliance Section

The City of Tacoma's IDDE and Source Control Inspection Programs work together to promote investigation and termination of illicit connections per the timelines listed above. The IDDE Program uses a database to track the complete process of screening, investigation, referral to responsible agencies (if other than the City), and enforcement. Environmental Services Environmental Compliance Section Environmental Specialists and Inspection personnel coordinate responses to terminate illicit connections. Often, City departments such as Building and Land Use Services Code Compliance, Environmental Services Science and Engineering, Streets and Grounds Maintenance Division, Environmental Services Sewer Transmission Maintenance Section, Tacoma Public Utilities Water Department, and other agencies such as the Tacoma-Pierce County Health Department and Ecology are involved in both investigations and illicit connection termination.

In cases when an illicit connection may cause a severe threat to the environment or human health or when businesses are permitted under Ecology NPDES Permits, the City refers these cases to Ecology to follow-up. If a business does not respond after Environmental Compliance staff makes a good faith and documented effort of progressive enforcement to terminate a violation, cases will be referred to Ecology.

Program to Respond to Illicit Discharges and Spills (S5.C.8.b.viii.)**Permit Deadlines and Responsible Parties:**

Program to respond to illicit discharges and spills	August 2007	Environmental Services Environmental Compliance Section Environmental Services Solid Waste Division Streets and Grounds Maintenance Division Environmental Services Sewer Transmission Maintenance Section Road Use Compliance Office Tacoma Public Utilities Environmental Compliance Office
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The City has an existing procedure for responding to illicit discharges and spills to the City storm system. Major spill response is referred to the Department of Ecology. Smaller spills such as automotive fluids on roadways are investigated and responded to by one or more of the following groups:

- Environmental Compliance Section
- Solid Waste Division
- Streets and Grounds Maintenance Division
- Sewer Transmission Maintenance Section
- Road Use Compliance Office
- TPU Environmental Compliance Office

Potential illicit discharges are discovered and investigated by the same Environmental Compliance personnel who work on the IDDE Program and perform the Source Control Business Inspections. Environmental Compliance staff investigates potential illicit discharges based on complaints, business inspection reports and stormwater monitoring information and responds to potential and confirmed illicit discharges using the same procedures applied to potential illicit connections (see Section S5.C.8.b.vii. above). Tacoma Public Utilities Environmental Compliance Office has an active spill response program to respond to and clean up transformer oil leaks at facilities owned and operated by TPU. Ecology is notified of all major spills.

IDDE Inspection, Response and Enforcement Record Keeping (S5.C.8.b.ix.)

Permit Deadlines and Responsible Parties:

Track and maintain records of illicit discharge detection and elimination and spill complaint inspection, response and enforcement	August 2007	Environmental Services Environmental Compliance Section
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The Environmental Compliance Section staff uses a SQL/Access database – the Environmental Services Spills and Complaints Database – to track IDDE, spill complaints, and Source Control inspection activities.

The City of Tacoma IDDE Program uses the City's GovME Web site to manage field screening and any follow-up investigation. The referral information and final enforcement outcome for each potential illicit discharge or connection is tracked in the Environmental Services Spills and Complaints Database.

S5.C.9. Maintenance and Operations Program

Summary of Program Component

This section of the Stormwater Management Program contains requirements to regulate and conduct operation and maintenance activities to prevent and reduce stormwater impacts from both public and private stormwater facilities.

Each City division is responsible for performing those tasks discussed under the compliance measures below that are applicable and necessary to be in compliance with the City's NPDES Municipal Stormwater Permit. These include:

- Implementing and enforcing maintenance standards and programs for proper and timely maintenance of public and private stormwater facilities.
- Establishing Best Management Practices (BMPs) for reducing stormwater impacts associated with runoff from parking lots, streets, roads, and highways owned or operated by the City.
- Developing policies and procedures to reduce water pollution associated with the application of pesticides, herbicides, and fertilizer by City staff.
- Establishing BMPs for reducing stormwater impacts from heavy equipment maintenance or storage yards and material storage facilities owned or operated by the City.

Each of these activities will also include providing the appropriate staff training, keeping records of compliance activities, performing self-assessments, and preparing status reports for the NPDES Annual Report.

Permit Compliance Measures

Adopting Maintenance Standards Equivalent to the 2005 Ecology Manual (\$5.C.9.b.i.)

Permit Deadlines and Responsible Parties:

Adopt Maintenance Standards Equivalent to 2005 Ecology Manual and perform required maintenance on a regular basis	August 2008	Environmental Services Surface Water Section Environmental Services Sewer Transmission Maintenance Section
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The City currently has maintenance standards that are adopted by Tacoma Municipal Code (TMC) 12.08.090 D.10. This ordinance references the City of Tacoma Surface Water Management Manual which establishes runoff treatment BMPs and maintenance standards. The City of Tacoma Surface Water Management Manual is equivalent to the 2005 Ecology Manual.

When maintenance is required according to the standards, the City schedules typical maintenance to be performed within 1 year on all treatment and flow control facilities; within 6 months on all catch basins; and within 2 years for maintenance requiring capital construction of less than \$25,000.

Regulated (Private) Stormwater Facility Inspection Program (S5.C.9.b.ii.)**Permit Deadlines and Responsible Parties:**

Adopt Maintenance Standards Equivalent to 2005 Ecology Manual	August 2008	Environmental Services Surface Water Section
Establish City inspection schedule for private facilities to inspect at least once during permit term	August 2008	Environmental Services Environmental Compliance Section
Begin annual facility inspections	February 2011	Environmental Services Environmental Compliance Section
Inspect residential subdivision projects that are under construction at least once every six months during the period of heaviest construction	February 2009	Environmental Services Environmental Compliance Section Building and Land Use Division Construction Division
Compliance with inspection requirements	February 2011	Environmental Services Environmental Compliance Section
Catch basin cleaning required where identified by inspection	February 2007	Environmental Services Sewer Transmission Maintenance Section

Adopt Maintenance Standards Equivalent to 2005 Ecology Manual

The Tacoma Municipal Code (TMC) 12.08.090 references the requirement for an operation and maintenance manual including maintenance standards for proposed stormwater facilities as described in Tacoma's Surface Water Management Manual (equivalent to the 2005 Ecology Manual standards.) TMC 12.08 also provides City personnel authority to enter upon private property to inspect and regulate the operation and maintenance of private facilities. The City requires owners of private stormwater facilities to submit an operation and maintenance plan to the City as part of the permit approval process to ensure that all current and future owners of the private stormwater facilities have operation and maintenance guidelines for regular inspection and maintenance of their permanent stormwater treatment and flow control facilities.

City inspection schedule for private facilities to inspect at least once during permit term

The City of Tacoma has an established Environmental Compliance inspection program for private storm drainage facilities regulated by the City of Tacoma. In the current program, inspectors are assigned geographic areas within the City to inspect all known private stormwater facilities. Inspection and enforcement records are tracked in the Environmental Services inspection database. The City has developed an inspection schedule to provide

at least one inspection within this five-year permit cycle for each known private treatment and flow control facility of the type listed in the 2005 Ecology Manual.

Begin annual facility inspections

The City of Tacoma has an established inspection program for private stormwater treatment and flow control facilities. The Environmental Compliance Inspectors provide education and training to owners of private stormwater facilities on operations and maintenance needs for their treatment and flow control devices. The City will supplement its current inspection program to provide annual inspection of each identified private treatment and flow control device regulated by the City, unless a reduced frequency is determined to be allowable based on maintenance or inspection records.

Inspect residential subdivision projects that are under construction at least once every six months during the period of heaviest construction

The City of Tacoma Environmental Compliance Inspectors will be informed by the Construction Inspectors who inspect newly constructed storm drainage facilities serving residential subdivision projects upon final inspection and approval of the drainage facilities. Environmental Compliance inspectors will visit the subdivision every 6 months until the subdivision is completely built out to inspect the drainage facilities and verify they are cleaned and working properly. Inspections will be tracked through the Environmental Compliance inspection database.

Compliance with inspection requirements

The City of Tacoma has an established Environmental Compliance Inspection Program designed to inspect and require maintenance of private stormwater facilities regulated by the City. The City also has an established Environmental Services inspection database for tracking purposes. The City will meet the inspection requirements described above in Section S5.C.9.b.ii. by inspecting a minimum of 80% of all known sites requiring inspection.

Catch basin cleaning required where identified by inspection

The City of Tacoma has an established Environmental Compliance inspection program with the authority to inspect and require maintenance of private stormwater facilities, including catch basins, regulated by the City. Tacoma Municipal Code 12.08.090 requires that all privately owned drainage facilities including catch basins must be regularly inspected and maintained by the owner and provides authority to the City to access private property to inspect catch basins connected to the municipal storm drainage system. City inspectors enforce source control guidelines for cleaning catch basins in the City of Tacoma Surface Water Management Manual. These guidelines identify conditions requiring catch basin maintenance including sediment, vegetation and debris accumulation, structural integrity and public safety concerns. City inspectors also require catch basin cleaning where structures have been contaminated by pollutants from accidental spills or illicit discharges.

Maintenance of Stormwater Facilities Owned or Operated by the City (S5.C.9.b.iii.)**Permit Deadlines and Responsible Parties:**

Inspection schedule established for public stormwater facilities owned and operated by the permittee	February 2009	Environmental Services Sewer Transmission Maintenance Section
Begin spot checks of treatment and flow control facilities after large storm events	February 2009	Environmental Services Environmental Compliance Section

Inspection schedule established for public stormwater facilities owned and operated by the permittee

Environmental Services has a program to inspect treatment and flow control facilities and to provide maintenance of public treatment and flow control facilities owned or operated by the City. The list of City-owned facilities and maintenance procedures are documented in the City of Tacoma Storm Water Detention and Treatment Facilities Operation and Maintenance Manual. The BMPs listed in this O&M Manual are based on the City Surface Water Management Manual which is equivalent to Ecology's 2005 Manual. The Storm Water Detention and Treatment Facilities Operation and Maintenance Manual is updated annually with new public treatment and flow control facilities as new facilities are constructed.

All City-owned and operated stormwater treatment and flow control facilities were inspected by Environmental Services staff during 2008 and 2009. All required maintenance was performed during the subsequent year based on those inspection results.

A less than annual inspection frequency for all City stormwater treatment and flow control facilities will be determined based on inspection records of double the length of time of the alternative inspection schedule. The alternative inspection schedule will be determined 180 days prior to the expiration of the NPDES permit and will be based on actual inspections performed during the term of the permit. Based on existing inspection records, it is anticipated that an inspection frequency of three years for City stormwater treatment and flow control facilities will be an appropriate inspection schedule.

Begin spot checks of treatment and flow control facilities after large storms events

Environmental Services implements a Flooding Emergency Response Plan to inspect public stormwater facilities during heavy rain events. This plan identifies potential flooding areas and assigns Environmental Services personnel to designated drainage basins within the City. These personnel are responsible for inspecting the public storm system and calling the Environmental Services Sewer Transmission Maintenance Section to perform emergency maintenance if necessary to alleviate flooding. Environmental Compliance has updated the Flooding Emergency Response Plan to add additional spot check inspections of potentially damaged treatment or flow control facilities after a "Code Red" flood response which is triggered by a "major storm event" for Tacoma's storm system. If spot checks show widespread damage or maintenance needs, a minimum of 95% of all stormwater treatment and flow control facilities that may be affected will be inspected. This plan also documents the process for communicating inspection results to

the Environmental Services Sewer Transmission Maintenance Section or Environmental Services Science and Engineering Division for follow-up with recommended maintenance or repair activities. The plan is updated annually.

Maintenance of Catch Basins Owned by the Permittee (S5.C.9.b.iv.)

Permit Deadlines and Responsible Parties:

Begin annual inspection and maintenance of catch basins	February 2009	Environmental Services Sewer Transmission Maintenance Section
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The Sewer Transmission Maintenance Section inspects and maintains the catch basins owned and operated by the City on a circuit basis. The City also cleans the catch basin leads as part of the inspection and cleaning process. Catch basin inspections are directly tied to the City Street Sweeping program. Street sweepers are used as the primary means for catch basin inspections and are equipped with GPS tracking devices used to identify catch basin structures that are in need of attention. Catch basins are inspected at least annually through this program. Our street sweeping program is tracked and scheduled in seven street sweeping districts within the City limits.

The City owns and operates approved and permitted decant facilities. Disposal of decant materials from catch basin maintenance activities is in accordance with the Street Waste Disposal procedures described in the NPDES Municipal Stormwater Permit Appendix 6.

In addition to a standard two to four year maintenance cycle for each catch basin maintenance area (Areas #1-20), individual maintenance plans are developed for some catchments with especially heavy loads of sediment and individual problem catch basins. These maintenance plans include specific guidelines for the type of maintenance and frequency needed, and are developed as a result of observations during regular maintenance visits by staff.

Inspection and Maintenance Records (S5.C.9.b.v.)

Permit Deadlines and Responsible Parties:

Provide updated inspection and maintenance records in NPDES Annual Stormwater Report	March 2008	Environmental Services Sewer Transmission Maintenance Section Environmental Services Surface Water Section
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The City keeps records of all maintenance activities of City-owned and operated storm drainage facilities. Records of the maintenance or repair activities requiring capital construction of \$25,000 or more will be provided in the NPDES Annual Report.

Reduce Stormwater Impacts from Roads, Streets, and Parking Lots Owned and Operated by the Permittee (S5.C.9.b.vi.)

Permit Deadlines and Responsible Parties:

Establish practices to reduce stormwater impacts from public parking lots, streets, and road maintenance activities	February 2008	Streets and Grounds Maintenance Division Environmental Services Sewer Transmission Maintenance Section
Begin implementing practices	August 2008	Streets and Grounds Maintenance Division Environmental Services Sewer Transmission Maintenance Section

Sewer Transmission Maintenance references the City Surface Water Management Manual for guidelines for operation and maintenance of all City-owned stormwater facilities, pipes and catch basins to reduce surface water impact on receiving waters.

Public Works employees meet this requirement for street and parking lot maintenance by following the guidelines in the Regional Road Maintenance Endangered Species Act (ESA) Program (RRMP). The purpose of the Regional Road Maintenance ESA Program is to provide a consistent, regional program that can be used by any agency wishing to limit, reduce, or eliminate the prohibition on take of threatened species under the ESA 4(d) Rule. The Program Guidelines provide BMPs for maintenance work that reduces surface water impacts on receiving waters. The City has an ESA Coordinator staff person who provides training and technical assistance to City crews on how to implement the maintenance BMPs. The ESA Coordinator also facilitates regular meetings to share ideas and information about best management practices between City departments.

These ESA guidelines and the BMPs listed in the City's Surface Water Management Manual are implemented in maintenance of parking lots, streets, roads, and highways that are owned or operated by the City, as well as for the maintenance activities listed in the NPDES Municipal Stormwater Permit Section S5.C.9.b.vi. including pipe cleaning, cleaning of culverts, ditch maintenance, street cleaning, road repair and resurfacing, snow and ice control, utility installation, vegetation management, dust control and pavement striping maintenance.

The City provides documentation to Ecology of the BMPs implemented under the ESA guidelines in the Annual NPDES Stormwater Report. Ongoing training is provided to applicable City work crews by the ESA Coordinator. The training includes updated information from the latest version of the City Surface Water Management Manual, IDDE reporting for field crews, and how to identify sensitive areas or situations that may require a special permit.

The ESA program is also being expanded to include development of specific standard operating procedures for implementing BMPs on commonly performed maintenance activities, a more formalized internal compliance monitoring program in coordination with Environmental Services Environmental Compliance staff; technical assistance on job site

inspections; inspection follow-up and documentation; and BMP and program effectiveness evaluation.

The City's Street Sweeping Program removes sediment and associated contaminants from the street surfaces before they enter the municipal separate storm sewer system (MS4). The Street Sweeping Program is one of the best management practices the City uses to reduce stormwater impacts from roads and streets. The program provides street sweeping services on a scheduled rotation for major arterials, 12 business districts, and residential areas which are divided into seven sweeping districts. Sewer Transmission Maintenance Section also provides sweeping services as needed in response to emergency calls, special events, and customer requests. More information is available on the City website at www.cityoftacoma.org/streetsweeping.

The Transmission Maintenance Section also provides basin-scale storm pipe cleaning services throughout the City prioritized based on receiving water, spill response or other source control observations in the stormwater collection system. The allocation of maintenance resources within the Surface Water Utility is prioritized by the asset management program which includes impacts to receiving waters as a key criteria. Special projects are planned and completed on an as-needed basis and interrupt the standard catch basin area cleaning schedule. Typically, the pipe cleaning project areas include the collection system draining public streets and private property runoff upstream of a given public storm system outfall.

Pollutant Reduction from Property Owned and Maintained by the City (S5.C.9.b.vii.)

Permit Deadlines and Responsible Parties:

Establish and implement practices to reduce stormwater impacts from City-owned property	August 2008	Streets and Grounds Maintenance Division Environmental Services Sewer Transmission Maintenance Section Environmental Services Solid Waste Public Works Facilities Maintenance Public Works Real Property Services Tacoma Public Utilities Water Department/Power Department/Click! Cable Services /Grounds Maintenance
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Public Works and Public Utilities maintenance crews use BMPs provided by the City's Surface Water Management Manual, facility Stormwater Pollution Prevention Plans (SWPPPs), and the Regional Road Maintenance ESA Program Guidelines to reduce the stormwater impacts to receiving waters from runoff on lands owned and maintained by the City. This includes landscape maintenance and vegetation disposal, sediment and erosion control, trash management, and building exterior cleaning for City parks, open spaces, road rights-of-way, maintenance yards, and stormwater treatment and flow control facilities.

The City also sponsors an Ecology Washington Conservation Corps (WCC) crew. This crew maintains and restores the City's mitigation and habitat restoration projects near shorelines, streams and wetlands.

The City's 2005 Draft Integrated Pest Management (IPM) Program outlines strategies and methods for pest control. In addition, guidance for vegetation management activities is provided in the Regional Road Maintenance Endangered Species Act (ESA) Program Guidelines. An updated and expanded IPM Program document is scheduled to be drafted by December 2010 to include policies and procedures to address application of fertilizer, pesticides, and herbicides, landscape maintenance and vegetation disposal. Targeted Nutrient Management and Integrated Pest Management Plans will be included for activities performed by Sewer Transmission Maintenance Section; landscaping and grounds maintenance activities on public rights-of-way and City-owned property performed by Public Works Streets and Grounds Maintenance Division; and landscaping and grounds maintenance activities on property owned by Tacoma Public Utilities performed by TPU Grounds Maintenance Division.

Ongoing Training Program (S5.C.9.viii.)

Permit Deadlines and Responsible Parties:

Develop and implement a program to train Operation and Maintenance personnel	February 2009	Streets and Grounds Maintenance Division Environmental Services Sewer Transmission Maintenance Section Environmental Services Solid Waste Division Public Works Facilities Maintenance Public Works Fleet Services Public Works Real Property Services Tacoma Public Utilities Water Department/Power Department/Click! Cable Services/Rail/Grounds Maintenance
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Each individual department will be responsible for implementing a training program based on the Regional Road Maintenance ESA Program to train City staff with primary construction, operations, and maintenance job functions that may impact stormwater quality. The training will include best management practices and procedures for the maintenance activities listed in the NPDES Municipal Stormwater Permit Section S5.C.9. (outlined above.) Additional training will be provided based on facility Stormwater Pollution Prevention Plans (SWPPPs), if applicable. The training program will include regularly scheduled follow-up training and will be documented to maintain a list of trained staff in SAP, the City's Information Management System database.

Implement SWPPPs for City Maintenance Facilities (S5.C.9.ix.)

Permit Deadlines and Responsible Parties:

Develop and implement SWPPPs for certain City maintenance and storage facilities	February 2009	Environmental Services Surface Water Section Streets and Grounds Maintenance Division Public Works Facilities Maintenance Tacoma Public Utilities Water Department/Power Department/Click! Cable Services
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During 2008, the Environmental Services Surface Water Section met with other City divisions to identify City facilities which meet the following criteria under Permit Section S5.C.9.ix:

1. Not required to have coverage under the General NPDES Permit for Stormwater Discharges Associated with Industrial Activities or another NPDES permit that covers stormwater discharges associated with the activity; and
2. Include heavy equipment maintenance and storage areas and/or material storage areas.

City of Tacoma Facilities Management Division identified one facility that met these criteria, Public Works Fleet Operations – Maintenance Facility. A Stormwater Pollution Prevention Plan (SWPPP) for this facility has been developed and implemented to cover operational BMPs, recommended structural BMP retrofits, and a visual inspection program to evaluate BMP effectiveness. A business inspection by Environmental Services Environmental Compliance has been completed to identify issues that are out of compliance with the SWPPP.

As we continue the process of inspecting and evaluating all City-owned facilities for surface water and wastewater impacts, additional City-owned facilities requiring SWPPPs are being identified, and SWPPPs for those facilities are being developed, as required.

In addition, the Facilities Management Division has developed BMP requirements for operation and maintenance of all City-owned buildings and parking areas. Environmental Services Surface Water Section and Environmental Compliance are providing technical assistance to Facilities Management Division to finalize and provide training on the Facilities Management BMPs.

S5.C.10. Education and Outreach Program

Summary of Program Components

Public education and outreach is a vital component of the Stormwater Management Program. Much stormwater pollution results from ongoing activities of residents and

businesses, and so public education efforts should focus on what they can do to help reduce stormwater runoff impacts to surface water quality. As people learn how their activities affect surface water quality, some will change their behavior. Others will require continuous reminders and incentives, depending on how inconvenient or expensive they perceive the new behavior to be.

The City of Tacoma has various active environmental education and outreach programs including the EnviroChallenger classroom education program with two full-time staff, the Make a Splash environmental grant program that offers \$50,000 a year in grants for surface water-related projects, the EnviroTalk newsletter that is distributed four times per year, TV Tacoma programming, Environmental Services utility bill inserts, and Environmental Services staff participation at community events. We also partner with Citizens for a Healthy Bay and the Pierce Conservation District on their educational programs. The City of Tacoma is participating with other Phase I and Phase II NPDES permittees in the region to develop region-wide educational efforts in support of the NPDES Municipal Stormwater Permit activities.

Most of the City's surface water and stormwater education efforts are implemented by the following groups:

Environmental Services Surface Water Section

Provides primary education to the general public and businesses about the impacts of stormwater runoff to receiving waters including source control BMPs and spill response procedures. Encourages environmental stewardship, actions and opportunities in the areas of pet waste, vehicle maintenance, landscaping and buffers. Also provides education about yard care techniques that are protective of water quality, BMPs for use and storage of pesticides and fertilizers, BMPs for carpet cleaning and auto repair and maintenance, Low Impact Development (LID) techniques, retention of forests and mature trees, and stormwater treatment and flow control BMPs.

Environmental Services Environmental Compliance Support Section

Provides education about BMPs to businesses including home-based and mobile businesses, landscapers, and property managers.

Environmental Services Solid Waste Division

Assists with education related to the storage and disposal of hazardous waste. Assists with education related to natural yard care and yard waste disposal. Hosts the EnviroHouse, located at the Tacoma Landfill. The EnviroHouse demonstrates sustainable building and natural landscape techniques.

City Community Relations Office

Provides strategic marketing and communications support to all Environmental Services Utilities (Surface Water, Solid Waste and Wastewater). Advises the Surface Water Section and Environmental Compliance Section on public relations and media relations opportunities. Creates educational and promotional materials to support utility programs and messages. Houses and manages EnviroChallenger environmental educator program. Creates content for and manages quarterly EnviroTalk newsletter, bimonthly utility bill inserts, EnviroNews listserv, utility Web pages, EnviroKids Web site, relevant social media outreach efforts and other duties as assigned.

Permit Compliance Measures

Implement a Public Education Program for General Public, Policy-makers, Businesses, Homeowners, Landscapers, Property Managers, the Development Community, and City Staff (S5.C.10.b.i.)

Permit Deadlines and Responsible Parties:

Begin education outreach program using a variety of tools for target audiences	February 2008	Environmental Services Surface Water Section; Environmental Services Environmental Compliance Section; Environmental Services Solid Waste Division; City Community Relations Office
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The City provides public education for citizens on a variety of topics including the use of fertilizers and pesticides, vehicle maintenance and pet waste. The City provides education for businesses and the development community focused on stormwater best management practices (BMPs) for both ongoing maintenance of water quality and flow control facilities and implementation of operational BMPs.

Existing Programs

The City's existing public education and outreach programs are summarized below:

Make a Splash Grant program

Environmental Services dedicates \$50,000 each year to small stormwater-related grants for projects promoting surface water education, protection and restoration.

EnviroChallenger

The City's EnviroChallenger environmental education program continues to serve public and private schools around Tacoma. Two environmental educators visit Tacoma classrooms and attend community events to spread surface water, wastewater, garbage and recycling messages to thousands of children each year. The EnviroChallengers also attend many community events throughout the year and help to communicate our many surface water messages to adults as well as children.

Business Source Control Outreach

Information is presented to business owners and property managers during source control site visits required by NPDES Permit Section S5.C.7. The intent is to make business owners and property managers more aware of the importance of regularly maintaining their onsite stormwater system and best management practices to help protect local waterways and reduce stormwater pollution.

Clean Bay Car Wash Kit Program

Clean Bay Car Wash Kits are offered to the public at no charge. These car wash kits are loaned to nonprofit groups to ensure that dirty wash water from fundraising car washes is discharged to the sanitary sewer to be treated instead of entering our local lakes, streams and Puget Sound via the stormwater system. We currently have two dedicated locations

where car wash kits are available year round. When kits are checked out, a site visit is performed by a City staff member to review operation, set-up and education about water quality and sewer systems.

Pet Waste Program

Information on proper management and disposal of pet waste is available on the City of Tacoma's website and is woven into the City's publications and programming including utility bill inserts, the EnviroTalk newsletter and environmental lessons by the EnviroChallengers.

Curb Marking Program

The City continues to partner with Citizens for a Healthy Bay, the Pierce Conservation District's Stream Team and volunteers to label storm drains throughout the City with a friendly reminder that stormwater goes directly into the nearest creek, stream or Commencement Bay. We provide supplies and help with promotion, and they coordinate the volunteers. Locations of the curb markers are mapped and input into the City's GIS system. The program goal is to have every drain in Tacoma marked.

Natural Yard Care Program

The Surface Water, Wastewater and Solid Waste utilities each work with the Tacoma-Pierce County Health Department to educate about and encourage yard care practices that encourage the use of alternatives to pesticides and chemical fertilizers. We help spread the word through articles in the EnviroTalk newsletter, utility bill inserts, a variety of educational handouts and booth displays. A rain garden and demonstrations of natural yard care practices can be found at the City's sustainable model home, the EnviroHouse. The City also partners with the Health Department's grant-funded Natural Yard Care Program and works closely with Tacoma Public Utility Water Conservation Program as well.

The TPU Water Conservation Program promotes the message of smart watering and sustainable landscaping to help minimize discharges from lawn watering and other irrigation runoff. Watering and natural yard care messages have been spread through an annual summer watering ad campaign, articles in the U*Newsletter which is mailed to approximately 90,000 utility customers, inserts in utility bills, at public events and local plant sales, at several TPU-sponsored workshops, and programming segments and public service announcements on TV Tacoma.

Hazardous Waste Disposal Program

The Solid Waste Management utility collects and properly disposes of large amounts of household hazardous waste from Tacoma residents at the Tacoma Landfill free of charge for residents in order to prevent hazardous materials from entering the storm sewer, surface waters, or groundwater. We work to educate the public about the need for proper disposal and where they can take their hazardous wastes through Environmental Services publications and other communication tools.

Puget Sound Starts Here (PSSH) Media Campaign

The City is participating with neighboring cities and counties, the Department of Ecology, and the Puget Sound Partnership in a regional stormwater education campaign, Puget

Sound Starts Here, which began in 2009 and includes a television advertising campaign, Web site and social media efforts. Grant funding will continue advertising efforts and fund increased social media efforts in 2010 and the possible creation of a "Drain Ranger" program for kids. The campaign's purpose is to educate residents about how their daily actions affect surface water quality, and empower them to make good choices throughout their day in order to keep pollution out of our local surface water resources. Tacoma's Surface Water Community Relations staff-person is participating in the leadership committees organizing the PSSH campaign, and the City will be working to cobrand its surface water BMP messages with the campaign to enhance its impact, as appropriate.

Existing Tools

EnviroKids Web site

A Web site for kids who care about the environment. This Web site helps teach kids about the five Rs (reduce, reuse, recycle, respect and responsible) through projects, quizzes and more. EnviroKids is supported by the EnviroChallenger program.

Surface Water Management Web site

This Web site includes information about Surface Water Management services and rates, the NPDES Municipal Stormwater Permit, the Surface Water Management Manual and permitting requirements, general best management practices to prevent stormwater pollution, and more.

Tacoma EnviroNews Listserv

In 2005, the City of Tacoma Community Relations Office started a "Tacoma EnviroNews" e-mail distribution list to share announcements of environmental interest among City employees, City Council members, local nonprofit organizations and other interested citizens. "Tacoma EnviroNews" is an automated electronic listserv that anyone can subscribe to and post messages related to environmental issues, events, and job or volunteer opportunities.

EnviroTalk Newsletter

The City of Tacoma's Environmental Services sends out quarterly newsletters to approximately 53,000 single-family and duplex home residents throughout the City to educate them about surface water, wastewater and solid waste messages.

Utility Bill Inserts

Surface water messages are included six times a year in the utility bill inserts sent to approximately 125,000 customers in the City of Tacoma.

TV Tacoma

TV Tacoma is an avenue to provide local viewing audiences with information including surface water-related public service announcements, Puget Sound Starts Here campaign advertisements, Make a Splash Grant Program updates, and more.

Existing Partnerships

EnviroHouse

Environmental Services partners with other City departments to run the EnviroHouse, a hands-on showcase of sustainable building and natural landscape ideas, materials and techniques that create a healthy home and planet. The EnviroHouse demonstrates rain barrels, native plants, rain gardens, pervious pavement, natural yard care techniques, “pin” foundations, and other surface water-related best management practices in action. Interpretive signage and educational materials are available regarding low impact development and natural yard care strategies.

Regional Community Partnerships

The Surface Water Section participates in regional coordination groups such as the Pierce Conservation District, Chamber/Clover Creek Watershed Council, Puyallup River Watershed Council, Puget Sound Partnership, NPDES Municipal Stormwater Permittee coordinators, interagency inspector forums, Pierce County ECONet (regional Education, Communication and Outreach Network) and the Stormwater Outreach for Regional Municipalities (STORM) group. City of Tacoma staff serves in leadership capacities with the STORM group and the Pierce County ECONet and facilitates the South Sound Phase II NPDES Permit Coordinators Group.

Local Community Partnerships

The City works with the Pierce Conservation District Stream Team and Citizens for a Healthy Bay, which help interested Tacoma community groups organize storm drain stenciling and curb marking efforts. The Stream Team also leads other programs such as wetland and stream bank cleanups and revegetation projects, educational workshops and tours for the public.

Promotion of Water Pollution Hotline

The City publicizes the water pollution hotline operated by Citizens for a Healthy Bay (with support from Environmental Services) on the City’s Web site and in City publications. Environmental Services also promotes the telephone number through signage at eight parks and other locations in Tacoma, as well as other areas around Commencement Bay.

Washington Conservation Corps

This six-person crew of volunteers sponsored by Environmental Services assists with public education at community events, cooperates with local environmental groups in outreach efforts including curb marking and catch basin stenciling, assists with emergency flood response, and rehabilitates natural areas to enhance stormwater quality.

Future Enhancements

The City’s future enhancements to the public education and outreach program are summarized below:

Stormwater Pollution Prevention Push

2009 Environmental Services Customer Survey results still show the majority of citizens do not know where their stormwater runoff goes. The Surface Water Section plans to

enhance awareness that 1) stormwater is not treated, 2) what goes down the storm drain flows directly to local lakes, streams, rivers and Puget sound, 3) residential sources make up more than 70 percent of the pollution in Puget Sound, and 4) what actions residents can take to reduce their impact on stormwater pollution. The plan is to use existing outreach tools, tie in messages with the regional Puget Sound Starts Here campaign whenever possible, and pursue new and creative marketing methods to try to increase the awareness of Tacoma residents regarding stormwater pollution and empower them to do their part in preventing it.

Celebrate Successes

In trying to “put a face” on recommended stormwater best management practices, we will work to better publicize successes of existing programs and Make a Splash grant projects. We will also explore ways to partner in order to better offer better rewards, recognition and incentives, especially to businesses implementing outstanding stormwater best management practices.

Encourage Low Impact Development (LID) Practices

Encourage low-impact development (LID) practices and explore ways to encourage residents and businesses to implement LID practices, such as rain gardens, pervious pavement, and preserving native vegetation and open space. Methods may include public information workshops; demonstration projects; incentives or rebates; streamlining the permitting process for LID projects; working with TAGRO and WSU Soil Extension to explore creation of a special rain garden soil mix to be used as part of a Do-it-yourself rain garden program; and promoting rain gardens in City literature and Web site.

Better Education Tools for Environmental Compliance Staff and Permit Center

Create materials that Environmental Compliance Support staff can use to better educate and inform businesses and homeowners during onsite inspections or when responding to spills and complaints that have easy-to-understand illustrations or demonstration photos. Partner with Citizens for a Healthy Bay in their program to provide environmental audits to businesses and facilitate sustainable business practices. Create handouts, brochures and website content promoting low impact development techniques and clarifying stormwater management permit requirements.

Enhance fundraising car wash outreach

Evaluate Clean Bay Car Wash Kit program promotion and participation levels and identify ways to increase general awareness of kit availability and increase kit use during peak fundraising car wash season. Also consider promoting alternative solutions, such as commercial car wash ticket sales.

Internal Partnering for Stronger Messages

Urban Forestry

Partner with the City's enhanced Urban Forestry Program to encourage retention of forests and mature trees.

Tacoma Public Utilities

Increase partnership opportunities with Public Utilities Water Conservation Program to better encourage natural yard care practices, use of native plants and minimizing landscape watering.

Community Based Services

The vision of the Community Based Services Program is to participate in the stewardship of safe, clean and attractive neighborhoods through sustainable and co-produced partnerships with citizens and neighborhood groups. We are working to harness this network to better educate citizens about our surface water utility messages.

Neighborhood Councils

Tacoma's Neighborhood Council Program offers a way for community members to band together to improve their immediate surroundings through partnership with each other and the City. We plan to make outreach to these groups a more purposeful part of our education and outreach efforts.

Enhance Web site Information

Improve surface water education on the City of Tacoma Web site by making information more complete, easier to understand and easier to navigate about topics such as the Surface Water Management Manual, Low Impact Development techniques, how to spot and report illicit discharges, "Puget Sound Starts Here" campaign messages, and other stormwater best management practices.

Measure Understanding and Adoption of Targeted Behaviors by Target Audiences (S5.C.b.ii.)

Permit Deadlines and Responsible Parties:

Tools to measure understanding and adoption of behaviors for at least one target audience in at least one subject area	February 2008	City Community Relations Office
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Measuring understanding and adoption of target behaviors as a result of public education and outreach efforts is a challenge. The City of Tacoma Environmental Services Division conducts a regular, statistically valid, city-wide survey of residential customers to assess the success of the public education and outreach efforts for the surface water, sanitary wastewater, and solid waste utilities. This survey was updated and redeployed in 2009 to provide an evaluation of the efforts related to our Stormwater Management Program. Results and analysis will be reported in the NPDES Annual Report. We also coordinated with a Pierce County Public Works and Utilities "Stormwater Runoff: Public Attitudes, Awareness and Behavior" survey in February of 2009 to oversample in the City limits. These results and analysis will also be included in the NPDES Annual Report. Additionally, the City Community Relations Office is working with the STORM Regional Stormwater Education Campaign (see description above) to evaluate penetration of the messages from the regional "Puget Sound Starts Here" campaign. The resulting measurements and recommendations will be used to direct education and outreach resources most effectively as well as to evaluate changes in adoption of the targeted behaviors.

Maintain Records of Public Education Activities (S5.C.b.iii.)**Permit Deadlines and Responsible Parties:**

Provide records of public education in NPDES Annual Report	March 2008	City Community Relations Office Environmental Services Surface Water Section
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Community Relations will maintain records of the public education activities related to surface water and stormwater and will provide this information to Ecology in the NPDES Annual Report.

Appendix A

Public Participation Plan

City of Tacoma Municipal National Pollutant Discharge Elimination System Permit (NPDES)

Public Involvement and Participation Plan

September 13, 2007

Background

On February 16, 2007, the City of Tacoma received its second municipal National Pollutant Discharge Elimination System Permit (NPDES) from the Washington State Department of Ecology. This permit regulates the discharge of stormwater to surface waters and ground waters of the state from Tacoma's municipal separate storm sewers. Through this permit, Tacoma is required to develop a new Stormwater Management Plan (SWMP) that meets the requirements of this permit.

One of these sections, S5.C.4 Public Involvement and Participation, requires the City to involve the public in the development, implementation and update of the SWMP. An initial introductory meeting will be held followed by several focus group meetings and a public workshop. Opportunities for public input during the implementation and update of the SWMP will be provided yearly. These will all be key parts of the public involvement in the development, implementation and update of the SWMP.

1. Public Involvement and Participation in the Development of the SWMP

September and October 2007 – Planning

- Finalize the plan for the public process involving the initial meeting, the focus group meetings and a public workshop.
- Identify stakeholders. These could be from the environmental community, business people, developers, neighborhood groups or other identified interest groups.
- Establish meeting dates, hire a facilitator, reserve rooms, identify the agendas and prepare the presentation materials in coordination with the facilitator.
- Present the proposed SWMP update process at the October Environmental Services Commission meeting and invite the members to attend the meetings.

October 2007– Initial Meeting

- Invite stakeholders to attend the initial introductory meeting.
- At the introductory meeting, provide a “Stormwater 101” presentation to update them about our current program. Explain how our current program addresses each program area, and list the additional program requirements under the new permit. Let them know what the public process will be, provide them a copy of the permit, and ask them to sign up for focus group meetings according to topic.

November 2007 to January 2008 – Focus Groups and Draft Document

- Hold three or four facilitated focus group meetings with the identified groups on the identified topic. Identify the parts of the permit and program that may be influenced by public input, such as the development of incentives for LID,

retrofits, BMP maintenance, public education, etc. Ask the focus groups for their suggestions for priorities and emphasis in the updated program.

- Group 1:
 - Mapping and documentation
 - Coordination
 - Public involvement and participation
 - Education and outreach
- Group 2:
 - Controlling runoff from new development and redevelopment
- Group 3:
 - Source control
 - Illicit discharge and elimination
- Group 4:
 - Structural stormwater controls
 - Operation and maintenance
- Concurrently, hold separate meetings with the municipalities around Tacoma, including the small cities, Pierce County, Port of Tacoma, Tacoma School District, Metro Parks Tacoma, Puyallup Tribe and the University of Washington/Tacoma.
- Develop the draft SWMP, incorporating the comments and ideas from the focus groups.
- Route the draft SWMP for internal management review and incorporate changes.

February 2008 – Public Meeting

- Place the draft on the City's web page.
- E-mail the attendees of the focus groups and the members of the Environmental Services Commission, giving them the web site information and asking them to review the draft SWMP and provide any additional comments on the draft.
- Hold a well-advertised, facilitated public workshop and invite the general public and all of the stakeholders. Provide a "Stormwater 101" overview and invite questions and comments on all aspects of our program. Present the input from the focus groups.

February to March 2008 – Finalize SWMP

- Incorporate comments and finish the final draft of the SWMP.
- Route the final draft for internal management review and incorporate changes.
- Present the final draft SWMP to the City Council's Environment and Public Works Committee. Ask for comments and incorporate changes.

March 31, 2008 – Submit SWMP to Ecology

- Submit the SWMP to Ecology with the 2007 NPDES Annual Report. Place the SWMP and the annual report on the City's web site.

2. Public Involvement and Participation in the Implementation and Update of the SWMP

The City's SWMP will be revised as necessary to accurately reflect any changes in stormwater management based on review and assessment of our Annual NPDES Report findings. These revisions need to be submitted to Ecology by March 31 of each

following year along with the Annual NPDES Report. The following example schedule may be used each year to obtain the public's input and participation in the annual implementation and update of the SWMP.

January 2009

- Draft any proposed updates to the SWMP.
- Route the draft changes for internal management review and incorporate changes.
- Place the draft changes on the City's web page and e-mail the link to the Environmental Services Commission and the original focus group members, and the public workshop attendees asking them to review and e-mail comments on the draft changes. Let them know of an upcoming workshop to collect comments on the changes.
- Invite the focus group members, the general public and the members of the Environmental Services Commission to a facilitated public workshop to present the proposed changes to the SWMP, and to request comments focused on what is working well and what needs to be improved in the implementation of the SWMP.

February to March 2009

- Incorporate comments, route the final updated SWMP for internal management review, and incorporate changes.
- Present the updated SWMP to the City Council's Environment and Public Works Committee. Ask for comments and incorporate changes.
- Finalize the updated SWMP.

March 31, 2009

- Submit the updated SWMP to Ecology with the 2008 Annual Report. Place the updated SWMP and the Annual Report on the City's web site.

(FYI – This is the part of the NPDES permit that is addressed in the above plan.) S5.C.4 Public Involvement and Participation

- a. The SWMP shall provide ongoing opportunities for public involvement in the Permittee's stormwater management program and implementation priorities.
- b. Minimum performance measures:
 - i. No later than six months after the effective date of this permit, develop and begin implementing a process to create opportunities for the public to participate in processes involving the development, implementation and update of the Permittee's SWMP. Each Permittee shall develop and implement a process for consideration of public comments on their SWMP.
 - ii. Each Permittee shall make their SWMP, the SWMP documentation required under S5.A.1 and all submittals required by this permit, including annual reports, available to the public, starting with the first annual report, on the Permittee's web site or submit in electronic format to Ecology for posting on Ecology's web site.

Appendix B

Tacoma Municipal Code 12.08

Chapter 12.08

WASTEWATER AND SURFACE WATER MANAGEMENT – REGULATION AND RATES⁶

Sections:

- 12.08.005 Purpose and policy.
- 12.08.007 Applicability and administration.
- 12.08.010 Definitions.
- 12.08.020 Prohibitions on discharges - Sanitary.
- 12.08.030 Prohibitions on storm drainage, ground water and unpolluted water - Sanitary.
- 12.08.040 Limitations on wastewater strength.
- 12.08.050 Limitations on radioactive wastes.
- 12.08.060 Limitations on the use of garbage grinders.
- 12.08.070 Limitations on point of discharge.
- 12.08.080 Prohibited, allowable, and conditional discharges – Storm.
- 12.08.090 Stormwater program requirements.
- 12.08.095 Exceptions procedure.
- 12.08.100 Sampling and testing of wastewater.
- 12.08.130 Pretreatment of commercial and/or industrial wastewater.
- 12.08.140 Industrial wastewater discharge permits.
- 12.08.150 Reporting requirements for wastewater permittee.
- 12.08.160 Wastewater monitoring facilities.
- 12.08.170 Confidential information.
- 12.08.180 Emergency suspension of service and revocation of discharge permits.
- 12.08.190 Prohibited practices; termination of treatment services.
- 12.08.200 Enforcement procedures.
- 12.08.210 Duty to reapply.
- 12.08.220 Operating upsets.
- 12.08.230 Accidental discharges - Spills.
- 12.08.240 Records retention.
- 12.08.300 Holding tank waste.
- 12.08.310 Designation of places and manner of discharge of holding tank contents.
- 12.08.320 Discharge of holding tank contents - Charges - Report.
- 12.08.330 Sanitary sewage from outside the City.
- 12.08.340 Charges and rates for direct wastewater services for properties outside the City.
- 12.08.350 Connection Charge-in-lieu-of-Assessment.
- 12.08.360 Charges and rates for wastewater service inside the City limits.
- 12.08.362 Charges for fixed-term discharges to the sanitary sewer of effluent from groundwater pump-and-treat systems.
- 12.08.365 Charges for special approved discharges.
- 12.08.368 Charges for TAGRO.
- 12.08.370 Classification of users of sanitary sewers.
- 12.08.380 Types of Charges and Fees Relating to Use of Sanitary Sewers.
- 12.08.390 Basis for determination of commercial/industrial charges for use of wastewater system.
- 12.08.400 Charge for Commercial/Industrial Wastewater User Groups.
- 12.08.410 *Repealed.*
- 12.08.420 Water source.
- 12.08.430 Reconsideration of wastewater rates.
- 12.08.440 Regular review of wastewater and surface water rates.
- 12.08.450 New services - Rates.
- 12.08.460 Minimum charge.
- 12.08.470 Unlawful installations.
- 12.08.500 Surface water rates and charges.
- 12.08.510 Billing for storm and surface water sewerage charges.
- 12.08.520 Reconsideration of storm and surface water sewerage charges.
- 12.08.530 Exclusions of certain properties from storm and surface water sewerage charges.
- 12.08.540 Organized drainage or drainage improvement districts.
- 12.08.550 *Repealed.*

⁶ Disposal systems, installation and connection – See Section 2.12.040. Authority to operate – See RCW 80.40.020 and 35.21.210.

- 12.08.560 Low impact development stormwater and surface water systems.
- 12.08.600 Billing periods, payments, and collections.
- 12.08.610 Property owner liability - Supplemental charges.
- 12.08.620 Contracts with the state, sewer or water districts and other municipal corporations.
- 12.08.630 Sewer fund created.
- 12.08.640 Environmental Services Conservation Loan Program.
- 12.08.650 *Repealed.*
- 12.08.660 *Repealed.*
- 12.08.670 Violation - Penalties.
- 12.08.675 Notice of violation - Civil penalties.
- 12.08.677 Dischargers in significant noncompliance.
- 12.08.678 Appeals of orders, requirements, decisions and determinations.
- 12.08.680 Severability - Saving.
- 12.08.700 Utility Reimbursement Agreements Wastewater and Surface Water Utility Improvements.
- 12.08.720 Side Sewer Condition Education Requirement.
- 12.08.740 Side Sewer and Sanitary Sewer Availability Manual.

12.08.005 Purpose and policy.

Pursuant to the authority conferred by RCW 90.48, this chapter sets forth uniform requirements for users of the Publicly Owned Treatment Works (POTW) and the storm drainage system of the City of Tacoma, and allows the City to comply with all applicable state and federal laws including, but not limited to, the Clean Water Act, the General Pretreatment Regulations, 40 CFR Part 403, and the Stormwater Regulations in 40 CFR Parts 122, 123, and 124. The objectives of this chapter are to:

- A. Prevent the introduction of pollutants into the POTW that will interfere with the operation of the POTW, or otherwise be incompatible with the POTW;
- B. Prevent the introduction of pollutants into the POTW that will pass through the POTW inadequately treated, into receiving waters;
- C. Protect personnel who may be affected by wastewater and biosolids in the course of their employment, and to protect the general public;
- D. Ensure that the quality of POTW biosolids is maintained at a level that allows its use and disposal in compliance with applicable statutes and regulations;
- E. Improve the opportunity to recycle and reclaim wastewater and biosolids from the POTW;
- F. Support economic development with the establishment of a new program to support conservation of the municipal sewer system through economic incentives and technical assistance for wastewater source control and wastewater pretreatment processes;
- G. Fix the price of service for the City's POTW;
- H. Fix the price of service for the City's storm water system;
- I. Provide for the control of the quantity and quality of the water discharged into the municipal storm drainage system so as to comply with the City's Stormwater Management Program, its NPDES permits, and applicable state and federal laws;
- J. Manage stormwater to minimize flooding, erosion, and contact with contaminants or pollutants; and to manage runoff from developed properties and construction sites;
- K. Mitigate the impacts of increased runoff due to urbanization, correct or mitigate existing water quality problems related to stormwater, and to help restore and maintain the chemical, physical, and biological integrity of the City's waters for the protection of beneficial uses, including salmon.

The purpose of this chapter is to provide for and promote the health, safety, and welfare of the general public. The provisions of this chapter shall be liberally construed to give full effect to the objectives and purposes for which it was enacted. Compliance with the provisions of this chapter and regulations and manuals referenced under this chapter does not necessarily mitigate all impacts to the environment. Compliance with this chapter and related regulations and manual should not be construed as mitigating all stormwater impacts, and additional mitigation may be required to protect the environment. This chapter does not create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the provisions of this chapter. The primary obligation for compliance with this chapter and for preventing environmental harm on or from property is placed upon responsible parties, as defined by this chapter. (Ord. 27003 § 1; passed Nov. 19, 2002; Ord. 25802 § 1; passed Dec. 5, 1995; Ord. 25587 § 1; passed Sept. 20, 1994)

12.08.007 Applicability and administration.

A. General. This chapter shall apply to all direct and indirect users of the City's Municipal Sewer System. The Director of Public Works is hereby authorized and directed to enforce all provisions of this chapter. The Director shall have the authority to render interpretations of this chapter, and may adopt reasonable rules and administrative procedures to enforce the provisions of this chapter. Such interpretations, rules, and administrative procedures shall be in conformity with the intent and purposes of this chapter.

B. The Director may appoint such number of technical officers, inspectors, and other personnel as shall be authorized from time to time to implement the provisions of this chapter.

C. Inspections. All activities regulated by this chapter, except those exempted under TMC 12.08.090, are subject to inspection by the Director to determine that adequate control is being exercised, or to determine whether an approval is warranted. The Director may establish inspection programs to ensure compliance with the requirements of this chapter and to accomplish its purposes. Inspection programs may be established on any reasonable basis including, but not limited to, routine inspections, random inspections, inspections based upon complaints or other notice of possible violations, inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants, inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the City's NPDES stormwater permit, and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to, reviewing maintenance and repair records; sampling discharges, surface water, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other best management practices.

D. Right of Entry. Whenever necessary to make an inspection to enforce any of the provisions of this chapter or monitor for proper function of stormwater facilities, or whenever the Director or the Director's authorized representative has reasonable cause to believe that there exists in any building or upon any property any condition or violation of this chapter relating to the pollution or the possible pollution of any of the waters of the state, the Director or the Director's authorized representative may enter such building or premises at all reasonable times to inspect the same, collect samples, or to perform any duty imposed upon the Director by this chapter, provided that if such building or premises be occupied, the Director shall first present proper credentials and request entry; and if such building or premises be unoccupied, the Director shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and request entry. If such entry is refused, the Director shall have recourse to every remedy provided by law to secure entry.

E. Authority to Stop Work. Whenever work is being done that is contrary to the provisions of this chapter, or contrary to the provisions of plans, drawings, specifications, or calculations approved by the Director, then the Director may order the work stopped by notice in writing, served on those persons engaged in or causing the work to be done. Any such persons shall thereafter stop such work until authorized by the Director to proceed.

F. Violations. Violations of this chapter and/or any state and federal regulation the City is authorized to enforce under this chapter may be subject to the enforcement procedures set forth in Tacoma Municipal Code ("TMC") 12.08.200, assessment of supplemental charges under TMC 12.08.610, the penalty provisions of TMC 12.08.670, and the notification and civil penalty provisions set forth in TMC 12.08.675, and any other enforcement provisions authorized by this chapter.

G. Re-inspections. It shall be the duty of the owner or the owner's agent to notify the Director that violations have been corrected, and to request a re-inspection. The Director may require that such request for re-inspection be filed one working day before such inspection if desired. It shall be the duty of the owner or owner's agent to provide safe access to and means for inspection of any corrective work.

H. Plan Review, Approvals, and Permits. Permits for activities or projects regulated under this chapter may be issued pursuant to sections in this chapter, Title 2 and Title 13 of the Tacoma Municipal Code, or other relevant Tacoma Municipal Code authority. Prior to the commencement of work on any stormwater-related activities or projects regulated by this ordinance, plans shall be submitted to the Director for review and approval. The Director shall approve the plans where they show that adequate control is exercised. Approvals and permits granted under this chapter are not waivers of the requirements of any other laws, nor do they indicate compliance with any other laws. Compliance is still required with all applicable federal, state, and local laws and regulations including rules promulgated under authority of this chapter.

The requirements in this chapter are minimum requirements and do not replace, repeal, abrogate, supersede, or affect any other more stringent requirements, rules, regulations, covenants, standards, or restrictions. Where this chapter imposes requirements which are more protective of human health or the environment than those set forth elsewhere, the provisions of this chapter shall prevail.

I. Best Management Practices. Pursuant to the municipal stormwater National Pollutant Discharge Elimination System (NPDES) permit issued by the Washington State Department of Ecology, the Director is authorized to develop and update, as

necessary, the City of Tacoma Stormwater Management Manual, hereinafter referred to as the “Manual.” The Best Management Practices (hereinafter “BMPs”) that are set forth in the Manual are intended to control the quality and quantity of stormwater that is or will be contributed to the City’s storm drainage system as the result of existing discharges and land uses, new development and redevelopment, and stormwater maintenance activities. In those instances where appropriate BMPs are not in the Manual, emerging BMPs may be considered. Emerging BMPs will be considered under the exceptions process in TMC 12.08.095.

J. Regulated Activities. This chapter regulates all direct and indirect discharges to receiving waters and the Municipal Sewer System, including discharges to privately owned catch basins which discharge directly or indirectly to receiving waters or the Municipal Sewer System, and any other direct or indirect discharge to receiving waters or the Municipal Sewer System from real property.

K. Exemptions. In addition to any exemption provided under TMC 12.08.090, development undertaken by the Washington State Department of Transportation in state highway rights-of-way is exempt from the requirements of TMC 12.08.090.D, except to the extent those requirements impose more stringent provisions as provided in Chapter 173-270 WAC, the Puget Sound Highway Runoff Program, and is subject to municipal and construction NPDES permits issued by the Department of Ecology. The Department of Transportation shall submit copies of plans for these exempt development activities to the Director. (Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27538 § 1; passed Oct. 24, 2006; Ord. 27003 § 2; passed Nov. 19, 2002; Ord. 25802 § 2; passed Dec. 5, 1995; Ord. 25587 § 2; passed Sept. 20, 1994)

12.08.010 Definitions.

Words and phrases used in this chapter shall be interpreted as defined below. Where ambiguity exists, technical words or phrases shall be interpreted in accordance with the City’s Manual; nontechnical words or phrases shall be given their dictionary meaning.

Any pretreatment limit or prohibitive standard (federal, state, and/or local) contained in this chapter deemed to be the most restrictive with which commercial/industrial users will be required to comply.

“AKART.” The application of all known, available, and reasonable methods of prevention, control, and treatment to storm and surface water and wastewater discharges as required by chapter 90.48. RCW.

“Approval.” The determination by the Director that the proposed or completed work or activity conforms to this chapter.

“Authorized representative of the user.”

1. If the user is a corporation:

- a. The president, secretary, treasurer, or vice president of the corporation in charge of a principal business function, or any other person who performs similar policy or decision-making functions for the corporation, or
- b. The manager of one or more manufacturing, production, or operation facilities employing more than 250 persons or having gross annual sales or expenditures exceeding \$25,000,000, if authority to sign documents has been assigned or delegated to the manager in accordance with corporate procedures;

2. If the user is a partnership or sole proprietorship: a general partner or proprietor, respectively;

3. If the user is a federal, state, or local governmental facility: a director or highest official appointed or designated to oversee the operation and performance of the activities of the government facility, or his or her designee;

4. The individuals described in paragraphs 1 through 3 above may designate another authorized representative if the authorization is in writing, the authorization specifies the individual or position responsible for the overall operation of the facility from which the discharge originates or having overall responsibility for environmental matters for the company, and the written authorization is submitted to the City.

“Availability.” Those premises which are determined per the Side Sewer and Sanitary Sewer Availability Manual to have a wastewater sewer available for connection to the premises.

“Basin Plan.” A plan to manage the quality and quantity of surface water or stormwater in a watershed or basin.

“Batch discharge.” Any single discharge that is specifically allowed under a wastewater permit or Special Approved Discharge authorization and requires the prior written approval of the Director before discharge to the sanitary sewer system may begin.

“Best Management Practices” or “BMPs.” Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and education practices, maintenance procedures, and structural or managerial practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance

systems. BMPs also include treatment practices, operation procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage. BMPs for stormwater management are listed and described in the City of Tacoma's Stormwater Management Manual. The term "Best Management Practice" shall also include any City-approved schedule of activities, treatment practices, prohibitions of practices, maintenance procedures, and other management practices based on applicable Pretreatment Standards in 40 CFR Part 403, federal categorical effluent standards, local limits, and state and local laws which are implemented by a user to prevent pollutants from entering a facility's waste stream and causing "interference" or "pass through," as these terms are defined under 40 CFR Part 403.3 and TMC 12.08.010.

"BOD" (Biochemical Oxygen Demand). The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20 degrees centigrade, expressed in parts per million or milligrams per liter (mg/L) by weight, using "Standard Methods," 17th Edition or other approved methods in 40 CFR Part 136.

"Categorical pretreatment standards." The limitations on pollutant discharges to Publicly Owned Treatment Works (POTWs) promulgated by the U.S. Environmental Protection Agency (USEPA) in accordance with Section 307 of the Clean Water Act (CWA), that apply to specified process wastewater of particular industrial categories (40 CFR Chapter I, Subchapter N, Parts 405-471 and amendments thereto).

"City." The City of Tacoma, Washington, a municipal corporation organized and existing under and by virtue of the laws of the state of Washington. "Within the city" means within the City boundaries as now or hereafter constituted.

"Clean Water Act or "CWA." The Federal Water Pollution Control Act, as amended (33 USC 1251 et seq.).

"Color." The optical density at the visual wave length of maximum absorption, relative to distilled water. One hundred percent (100%) transmittance is equivalent to zero (0.0) optical density.

"Commercial and/or industrial discharger (discharger/user)." Any nonresidential user who discharges an effluent into the Municipal Sewer System by any means including, but not limited to, pipes, conduits, pumping stations, force mains, tank trucks, constructed drainage ditches, surface water intercepting ditches, intercepting ditches, and all constructed devices and appliances appurtenant thereto, including over-land flow.

"Commercial and/or industrial waste." Any liquid, solid, or gaseous substance, or combination thereof, resulting from or used in connection with any process of industry, manufacturing, commercial food processing, food service establishment, business, agriculture, trade or research including, but not limited to, development, recovering, or processing of natural resources, and leachate from landfills or other disposal sites.

"Director." The Director of Public Works of the City of Tacoma or his or her authorized representative.

"Discharger." A "commercial and/or industrial discharger," as defined in TMC 12.08.010, and shall also include any property owner, business owner, multi-family residential property owner, tenant, residential homeowner or homeowner's association/representative group, or any other individual, company, or vessel residing and/or conducting business within Tacoma that discharges wastewater or stormwater directly or indirectly to Tacoma's municipal sewer system and/or receiving waters.

"Domestic User (Residential User)." Any person who contributes, causes, or allows the contribution of wastewater into the (City) POTW that is of a similar volume and/or chemical makeup to that of a residential dwelling unit.

"Domestic waste." Water carrying human wastes including kitchen wastes, bath wastes, and laundry wastes that are typical of residential discharges, but does not include industrial wastes. Domestic wastes may be discharged by residential users, and by commercial and/or industrial dischargers.

"Effluent Limit." Any restriction, prohibition, or specification established under 40 CFR Part 403, Chapter 173.220 WAC, or Chapter 12.08 TMC that regulates the quantities, rates, percent removal, and/or concentrations of physical, chemical, or biological characteristics of wastes which are discharged into the Municipal Sewer System, including Best Management Practices for the prevention or control of such waste discharges.

"Emerging BMP." A BMP that has not been tested and evaluated by the Department of Ecology in collaboration with local governments and technical experts.

"Erosion." The wearing away of the land surface as a result of the movement of water, wind, ice, or any other means.

"Erosion and Sediment Control." Any temporary or permanent measures taken to reduce erosion, control siltation and sedimentation, and ensure that sediment-laden water does not leave a given site.

"Excessive discharge." Any wastewater released directly or indirectly to the Municipal Sewer System at a rate and/or concentration greater than that which has recently been monitored or would normally be expected from a classified commercial/industrial discharger.

“Food Service Establishment.” Any facility, which serves, prepares, processes, manufactures, or packages food for consumption such as a restaurant, commercial kitchen, caterer, hotel, school, hospital, detention facility, or care institution.

“Ground water.” Water in a saturated zone or stratum beneath the surface of the land or below a surface water body.

“Illicit Connection.” Any connection to the City’s stormwater drainage system, identified by the Director, that could convey anything not composed entirely of surface water and stormwater directly to surface water, stormwater, or groundwater. Illicit connections are prohibited unless the connection conveys approved discharges, or conveys discharges pursuant to an NPDES permit (other than an NPDES stormwater permit), or State Waste Discharge Permit.

“Illicit Discharges.” Any direct or indirect non-stormwater discharge or spill to the City’s stormwater drainage system, ground water, or receiving waters within Tacoma city limits. Illicit discharges may also include, but are not limited to, discharges of industrial process water, discharges from sanitary sewer connections and interior floor drains, and discharges from car-washing activities and gray water systems.

“Impervious surface.” A surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, and/or a surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Further definition may be found in the City’s Manual.

“Industrial wastewater permit” (“wastewater permit”). A permit to discharge wastewater into the Municipal Sanitary Sewer System issued under the authority of this chapter which prescribes certain requirements and limitations.

“Interference.” A discharge which:

1. Alone or in conjunction with a discharge(s) from other sources, inhibits or disrupts the normal operation of the Municipal Sewer System; or
2. Causes a violation, or increases the magnitude of or extends the duration of an existing violation, of any requirement of the City’s POTW-NPDES permit(s); or
3. Prevents the use or disposal of sewage sludge or biosolids in accordance with local, state, and federal regulations and any permits issued thereunder, including the Clean Water Act, Section 405; the Solid Waste Disposal Act (including Title II, also known as the Resource Recovery and Conservation Act, and any state regulations contained in any state sludge management plan); the Clean Air Act; the Toxic Substances Act; and the Marine Protection, Research and Sanctuaries Act.

“Land-disturbing activity.” Activity that results in a change in the existing soil cover (both vegetative and non-vegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, demolition, construction, clearing, grading, filling, stockpiling, excavation, and land modification.

“Manual.” The manual referred to in this ordinance is the City of Tacoma’s Stormwater Management Manual, as amended.

“Manual (Department of Ecology).” The manual refers to the latest version of the Washington State Department of Ecology’s stormwater management manual, applicable to Western Washington.

“Municipal Sewer System.” The system of conduits, pumps, treatment plants, structures, and properties including, without limitation, all properties, interests, physical and intangible rights of every kind or nature owned or held by the City and all appurtenances thereto, however acquired, insofar as they relate to or concern drainage, transportation, storage or treatment, in any manner whatsoever, of waste matter or stormwater and surface water of any nature now or hereafter permitted by this chapter to enter the Municipal Sewer System. Sanitary sewers and storm drains, separately and in combination, are, without limitation, included in the Municipal Sewer System.

“New development.” Land-disturbing activities; structural development including construction, installation, or expansion of a building or other structure; creation of impervious surfaces; and subdivision and short subdivision of land as defined in RCW 58.17.020.

“New source.” Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after publication of proposed pretreatment standards under Section 307(c) of the Federal Water Pollution Control Act (FWPCA) which will be applicable to such sources if such standards are thereafter promulgated in accordance with that section, provided that:

1. The building, structure, facility or installation is constructed at a site at which no other source is located; or
2. The building, structure, facility or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
3. The production or wastewater-generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as

the extent to which the new facility is integrated with the existing plant, and the extent to which the new facility is engaged in the same general type of activity as the existing source, should be considered.

Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of paragraphs (2) or (3) above, but otherwise alters, replaces, or adds to existing process or production equipment.

Construction of a new source as defined under this section has commenced if the owner or operator has:

1. Begun, or caused to begin as part of a continuous on-site construction program:
 - a. Any placement, assembly, or installation of facilities or equipment, or
 - b. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures, or facilities which is necessary for the placement, assembly, or installation of new source facilities or equipment; or
2. Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering, and design studies do not constitute a contractual obligation under this section.

“New user.” A person that submits an application for and receives a new building permit from the City for a structure that will discharge wastewater to the Municipal Sewer System or any person who occupies an existing building and plans to discharge wastewater to such system. Any person that buys an existing facility that is discharging commercial and/or industrial wastewater will be considered an “existing user” if no significant changes are made in the manufacturing operation. The term “new user” shall not mean a “new source” or “existing source,” as defined in 40 CFR Part 403.3.

“Noncontact cooling water.” Water that does not mix, communicate with, or come into direct contact with any raw material, intermediate product, waste product, or finished product, and to which the only pollutant added is heat.

“North American Industry Classification System (NAICS) Code.” The NAICS, which replaces the Standard Industrial Classification (SIC) Code is an industrial classification scheme developed by the United States Office of Management and Budget used to classify business establishments for the collection, tabulation, presentation, and analysis of statistical data describing the U.S. economy.

“NPDES permit.” A permit issued to the City of Tacoma by the Department of Ecology under the National Pollutant Discharge Elimination System program. Examples of NPDES permits include a POTW NPDES permit, a municipal stormwater NPDES permit, a construction stormwater NPDES permit, a sand and gravel NPDES permit, and an industrial stormwater NPDES permit.

“Pass through.” A discharge which exits the POTW into waters of the United States in quantities or concentration which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW NPDES permit (including an increase in the magnitude or duration of a violation).

“Person.”

1. A natural person, including that person’s heirs, executors, administrators, and assigns;
2. A public or private corporation, co-partnership, association, or firm;
3. A government agency or any political subdivision; or
4. Any other entity whatsoever.

Singular includes plural; male includes female.

“pH.” The negative logarithm of the effective hydrogen-ion concentration or hydrogen activity in gram equivalents per liter used in expressing both acidity and alkalinity on a scale whose values run from 0 to 14, with 7 representing neutrality, numbers less than 7 increasing acidity, and numbers greater than 7 increasing alkalinity.

“Pollutant.” Any substance that is discharged to receiving waters or the Municipal Sewer System which is prohibited or limited by the requirements of this chapter. See TMC 12.08.020 through TMC 12.08.080.

“Premises.” A continuous tract of land, building, or group of adjacent buildings under a single control with respect to use of water and responsibility for payment therefor. Subdivision of such use or responsibility shall constitute a division into separate premises as herein defined, except where more than one dwelling is being served through the same water meter, in which case, each of said dwellings shall constitute a separate premises and shall be subject to the same separate charges as if separate single-family dwellings.

“Pretreatment.” The reduction of the amount of pollutants, the elimination of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to or in lieu of discharging or otherwise introducing such pollutants into Tacoma’s POTW or Municipal Sanitary Sewer System. The reduction or alteration may be obtained by physical, chemical or biological processes, process changes, or by other means, except as prohibited by 40 CFR Part 403.6(d). Appropriate pretreatment technology includes control equipment, such as equalization tanks or facilities for protection against surges or slug loadings that might interfere with or otherwise be incompatible with the POTW. However, where wastewater from a regulated process is mixed in an equalization facility with unregulated wastewater or with wastewater from another regulated process, the effluent from the equalization facility must meet an adjusted pretreatment limit calculated in accordance with 40 CFR Part §403.6(e).

“Pretreatment requirements.” Any substantive or procedural requirement related to pretreatment other than a National Pretreatment Standard imposed on a Commercial and/or Industrial User.

“Pretreatment standard.” Any regulation containing pollutant limitations promulgated by the EPA in accordance with 33 U.S.C. § 1317(b) and (c) and 40 CFR Parts 401 through 471. The term “pretreatment standard” also includes any prohibited discharge standards, categorical pretreatment standards, BMPs, local limits established by the City, and Effluent Limits.

“Private side sewer.” The term private side sewer shall be defined according to TMC 12.08.720.

“POTW.” The Publicly Owned Treatment Works, which includes any devices and systems, owned by a state or municipality, used in the collection, transportation, storage, treatment, recycling, and reclamation of wastewater.

“Receiving Water.” The surface water, ground water, water course, or wetland receiving drainage water within Tacoma City limits. Surface water includes, but is not limited to, bays, waterways, rivers, and creeks.

“Redevelopment.” The creation or addition of impervious surfaces on a site that has already been substantially developed, including structural development, construction, installation or expansion of a building or other structure, and/or replacement of impervious surface that is not part of a routine maintenance activity, and land-disturbing activities associated with structural or impervious redevelopment.

“Residential user.” Any single-family or multi-family customer discharging wastewater limited to kitchen wastes, human wastes, and housekeeping cleaning materials, in volumes and/or concentrations normally discharged from these classes of customers.

“Responsible party.” Any or all of the following persons: owners or occupants of property within the City of Tacoma and/or any person causing or contributing to a violation of the provisions of this chapter.

“Runoff.” Water originating from rainfall or other precipitation that is found in drainage facilities, rivers, streams, seeps, ponds, lakes, and wetlands as well as shallow groundwater. It also means the portion of rainfall or other precipitation that becomes surface flow or interflow.

“Sanitary sewers.” Those portions of the Municipal Sewer System which are designated by the Director to carry, treat, or dispose of wastewater not constituting storm or surface water permitted by or under this chapter to enter the Municipal Sewer System. Sanitary sewers are also referred to in this chapter and have the same definition as wastewater sewers.

“Significant Industrial User (SIU).” Except as provided in subparagraph 3, “significant industrial user” means:

1. All industrial users subject to Categorical Pretreatment Standards under 40 CFR 403.6 and 40 CFR Chapter I, Subchapter N.
2. Any other industrial user which discharges an average of 25,000 gallons per day or more of process wastewater to the POTW (excluding domestic, noncontact cooling and boiler blowdown wastewater); or contributes a process waste stream which makes up 5 percent or more of the average dry weather hydraulic or organic capacity of the POTW; or is designated as such by the Director on the basis that the industrial user has a reasonable potential for adversely affecting the POTW’s operation; or for violating any pretreatment standard or requirement (in accordance with 40 CFR 403.8 (F)(6), as found in 55 FR 30128, July 24, 1990).
3. Upon finding that an industrial user meeting the criteria in paragraph 2 above has no reasonable potential for adversely affecting the POTW’s operation or for violating any pretreatment standard or requirements, the Director may, at any time, on his or her own initiative or in response to a petition received from an industrial user, and in accordance with 40 CFR 403.8(F)(6), determine that such industrial user is not a significant industrial user.

“Significant noncompliance” with applicable pretreatment requirements exists when a violation by an industrial user meets one or more of the following criteria:

1. Chronic violations of wastewater discharge limits, defined as those in which 66 percent or more of all the measurements taken for the same pollutant parameter during a six-month period exceed (by any magnitude a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l);
2. Technical Review Criteria (TRC) violations, defined as those in which 33 percent or more of all of the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of a numeric Pretreatment Standard or Requirement including instantaneous limits, as defined by 40 CFR Part 403.3(l) multiplied by the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil, and grease, and 1.2 for all other pollutants except pH);
3. Any other violation(s) of a Standard or Requirement as defined by 40 CFR Part 403.3(l) daily maximum, long-term average, instantaneous limit, or narrative standard that the Director determines has caused, alone or in combination with other discharges, interference or pass through or endangered the health of the general public or sewage treatment personnel);
4. Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority to halt or prevent such a discharge;
5. Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in an industrial wastewater discharge permit or enforcement order for starting construction, completing construction, or attaining final compliance;
6. Failure to provide, within 45 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, and reports on compliance with compliance schedules;
7. Failure to accurately report noncompliance;
8. Any other violation or group of violations which may include a violation of Best Management Practice, the Director determines will adversely affect the operation or implementation of the City's Pretreatment Program.

"Significant noncompliance" with requirements for discharges to the storm drainage system or receiving water exists when an instance of noncompliance or Code violation meets one or more of the following criteria:

1. Any discharge or potential discharge of a pollutant that has caused or may cause a threat to human health, public safety or the environment, or that has resulted in the exercise of emergency authority to halt or prevent such a discharge;
2. Failure to complete a required corrective action within 30 days after the scheduled date required in a Notice of Violation, Corrective Action, or other enforcement document.
3. Any other violation or group of violations that the Director determines will adversely affect the operation and implementation of the City's Stormwater Management Program or its NPDES permit.

"Single-family residence."

1. Any building or portion thereof which contains living facilities, including provisions for sleeping, eating, cooking and sanitation, for use by not more than one family;
2. Instances in which more than one residence is served through a single water meter; and
3. Those individual units within multi-family complexes that are served by a separate water meter.

"Slug load." Any discharge at a flow rate or concentration which could cause a violation of any Pretreatment Standard or Requirement, as defined by 40 CFR Part 403.3(1) or this chapter, including any discharge of a nonroutine, episodic nature, including, but not limited to, an accidental spill or a noncustomary batch discharge.

"Source Control." Actions, activities, and the implementation of BMPs to prevent or reduce the introduction of contaminants to the Municipal Sewer System. Examples include, but are not limited to: segregating or isolating waste; enclosing, covering, or containing the activity to prevent contact with stormwater; developing and implementing inspection and maintenance programs; sweeping; and taking management actions such as training employees on pollution prevention.

"Spill." An unauthorized discharge of a pollutant enumerated in TMC 12.08.080 to the municipal sewer system or receiving waters within Tacoma City limits.

"Storm drainage facility." Any constructed facility or natural feature that collects, conveys, or stores surface water and stormwater runoff. Drainage facilities include, but are not limited to, stormwater conveyance and containment facilities including pipelines, constructed channels and ditches, infiltration facilities, retention and detention facilities, stormwater treatment facilities, erosion and sediment control facilities, and all other drainage structures and appurtenances.

"Storm drains." Those portions of the Municipal Sewer System which do, or are designated by the Director to, detain or retain, carry or dispose of stormwater and surface water and such other waters as are not required by or under this chapter or other applicable law to be disposed of through sanitary sewers, in accordance with the provisions hereinafter set forth. Storm

drains shall, without limitation, include all properties, interests and rights of the City insofar as they relate to or concern storm or surface water sewerage, whether natural or constructed, in and to the drainage or storage, or both, of storm or surface waters, or both, including without limitation through, under or over lands, landforms, watercourses, sloughs, streams, ponds, lakes and swamps.

“Stormwater.” Runoff during and following precipitation and snowmelt events, including surface runoff, drainage, and interflow.

“Stormwater Pollution Prevention Plan (SWPPP).” A document which describes the best management practices and activities to be implemented by a person to identify sources of pollution or contamination at a premises or parcel and the actions to eliminate or reduce pollutant discharges to stormwater, stormwater conveyance systems, and/or receiving waters to the maximum extent practicable.

“Suspended solids.” Solids that either float on the surface of or are in suspension in water, sewage, or other liquid; and which are removable by laboratory filtering using Standard Methods, 17th Edition.

“TMC.” The Tacoma Municipal Code.

“Toxic pollutant.” Those pollutants, or combinations of pollutants, including disease-causing agents, which after discharge and upon exposure, ingestion, inhalation, or assimilation into any organism, either directly from the environment or indirectly by ingestion through food chains, will, on the basis of information available to the Director, cause death, disease, behavioral abnormalities, cancer, genetic mutations, physiological malfunctions (including malfunctions in reproduction) or physical deformations, in such organisms or their offspring.

“Track-out.” Material such as dirt, mud and other debris that is deposited on paved public streets or alleys by vehicles exiting a construction site or a commercial or industrial facility.

“Upset.” An exceptional incident in which a discharger unintentionally and temporarily is in a state of noncompliance with the applicable pretreatment standards due to factors beyond the reasonable control of the discharger, and excluding noncompliance to the extent caused by operational error, improperly designed treatment facilities, inadequate treatment facilities, lack of preventive maintenance, or careless or improper operation thereof.

“User or Industrial User.” A nondomestic source of an indirect discharge to the municipal sanitary sewer system.

“WAC.” The Washington Administrative Code.

“Wastewater.” Liquid and water-carried industrial wastes and sewage from residential dwellings, commercial buildings, industrial and manufacturing facilities, and institutions, whether treated or untreated.

“Wastewater sewer.” Those portions of the Municipal Sewer System which are designated by the Director to carry, treat or dispose of wastewater not constituting storm or surface water permitted by or under this chapter to enter the Municipal Sewer System. Wastewater sewers are also referred to in this chapter and have the same definition as sanitary sewers. (Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27538 § 2; passed Oct. 24, 2006; Ord. 27285 § 2; passed Nov. 2, 2004; Ord. 27003 § 3; passed Nov. 19, 2002; Ord. 25802 § 3; passed Dec. 5, 1995; Ord. 25587 § 3; passed Sept. 20, 1994; Ord. 24879 § 1; passed May 21, 1991; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.020 Prohibitions on discharges – Sanitary.

A. General Prohibitions. No person shall discharge or permit or cause the discharge of waste into the Municipal Sanitary Sewer System that may cause, either alone or by interaction with other materials, pass through or interference.

B. Specific Prohibitions. In addition, it is unlawful to discharge, cause to discharge, or allow to be discharged directly or indirectly the following pollutants into the City's Municipal Sewer System:

1. Wastewater containing substances:

- a. In concentrations that inhibit or interfere with the operation or performance of the Municipal Sewer System; or
- b. That are not amenable to treatment or reduction by the sewage treatment process employed, or are only partially amenable to treatment, such that the POTW's effluent cannot meet the requirement of any agency having jurisdiction over the POTW; or
- c. In concentrations in excess of limitations imposed in a permit issued by the City or other regulatory agency having jurisdiction; or
- d. That impair the use or disposal of POTW sludge and sludge products pursuant to state and federal statutes, including, but not limited to the Solid Waste Disposal Act (42 USC §6901), the Clean Water Act (42 USC §1857), the Toxic Substance Control Act (15 USC §2601).

2. Pollutant(s) which create a fire or explosion hazard in the Municipal Sanitary Sewer System, including, but not limited to, wastewater with a closed cup flashpoint of less than 140 degrees Fahrenheit or 60 degrees centigrade (using test methods prescribed in 40 CFR Part 261.21);
3. Petroleum oil, nonbiodegradable cutting oil, or products of mineral oil origin, in amounts that will cause interference or pass through;
4. Any solid or viscous substance capable of obstructing wastewater which will or may cause obstruction to the flow of wastewater or other interference with the operations of the Municipal Sanitary Sewer System;
5. Any noxious, malodorous or toxic liquids, gases, vapors or fumes, solids, or other substances which, either singly or by interaction with other wastewaters may cause acute or chronic worker health and safety problems, a public nuisance, a hazard, or interference with any part of the Municipal Sanitary Sewer System;
6. Any waste, wastewaters or substances having a pH less than 5.5 or greater than 11.0, or those capable of causing damage to structures, equipment, processes or personnel of the sewer system, unless these limits are modified by a wastewater discharge permit, or by a special approved discharge authorization;
7. Pollutants which cause corrosive structural damage to the POTW, but in no event discharges with pH lower than 5.0, unless the POTW is specifically designed to accommodate such discharges.
8. Any liquid or vapor having a temperature higher than 100 degrees Fahrenheit (37.8 degrees centigrade) unless this limit is modified by an industrial wastewater discharge permit;
9. Any trucked or hauled contaminants, such as holding or septic tank wastewater or any nondomestic sources, except such wastewater received at designated locations under City contract or permit in accordance with any other applicable requirements of this chapter or rules adopted hereafter;
10. Any substance with excessive color as determined by the Director, which is not removed in the treatment process;
11. Any batch discharges that have not received written permission of the Director (batch discharges shall comply with all other requirements of this chapter and rules adopted hereafter);
12. Any substance which may cause the Municipal Sanitary Sewer System effluent or treatment residues, sludges or sludge products, or scums, to be unsuitable for reclamation and/or reuse or which interferes with the reclamation process. In no event shall a substance discharged to the Municipal Sanitary Sewer System cause the City to be in noncompliance with sludge use or disposal criteria, guidelines or regulations developed under the Clean Water Act 42 USC 1857; any criteria, guidelines or regulations affecting sludge use or disposal developed pursuant to the Solid Waste Disposal Act (42 USC §6901), , the Toxic Substance Control Act (15 USC §2601), or any other federal or state statute, regulation or standard applicable to the sludge management method being used, or any amendments thereto;
13. Noncontact cooling water, except as provided in TMC 12.08.080 following issuance of an NPDES permit by the Washington State Department of Ecology;
14. Any substance which may cause the treatment facilities of the Municipal Sanitary Sewer System to be overloaded or cause excessive City collection or treatment costs, or may use a disproportionate share of the Municipal Sanitary Sewer System or of its treatment facilities;
15. Any slug load;
16. Any substance that causes the City to violate the terms of its NPDES permit(s);
17. Any substance which would be designated as a dangerous waste in accordance with Chapter 173-303 WAC, unless authorized by an industrial wastewater discharge permit issued in accordance with the requirements of TMC 12.08.140. (Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27538 § 3; passed Oct. 24, 2006: Ord. 25802 § 4; passed Dec. 5, 1995: Ord. 25587 § 4; passed Sept. 20, 1994: Ord. 24879 § 2; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.030 Prohibitions on storm drainage, ground water and unpolluted water – Sanitary.

Stormwater, groundwater, subsurface drainage, yard drainage, roof drainage, or unpolluted water, including, but not limited to, cooling water or process water, shall not be discharged through direct or indirect connection to any sanitary sewer unless approved by the Director. The Director may, but shall not be required to, approve such discharge only when no reasonable alternative method of disposal is available. If approval is granted for the discharge of such water into a sanitary sewer, the user shall pay the applicable charges and fees and meet such other conditions as required from time to time by the Director. (Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27948 Ex. B; passed Nov. 16, 2010: Ord. 27857 Ex. A; passed Dec. 8, 2009: Ord. 27003 § 4; passed Nov. 19, 2002: Ord. 25587 § 5; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.040 Limitations on wastewater strength.

A. Maximum Daily Limits. No person shall discharge wastewater into the Municipal Sanitary Sewer System containing a daily maximum concentration greater than:

- 0.1 mg/l arsenic, total
- 0.25 mg/l cadmium, total
- 0.25 mg/l chromium, hexavalent
- 1.0 mg/l chromium, total
- 1.0 mg/l copper, total
- 0.2 mg/l free cyanide
- 0.64 mg/l total cyanide
- 0.4 mg/l lead, total
- 0.05 mg/l mercury, total
- 1.0 mg/l molybdenum, total
- 1.0 mg/l nickel, total
- 0.1 mg/l selenium, total
- 0.2 mg/l silver, total
- 2.0 mg/l zinc, total
- 50 mg/l petroleum hydrocarbons (silica gel treated-hexane extractable material, SGT-HEM)

The above limits apply at the point where the wastewater is discharged to the Municipal Sanitary Sewer System (end of pipe). All concentrations for metallic substances are for "total" metal unless otherwise indicated. Where a user is subject to a National Categorical Pretreatment Standard and a local limit for a given pollutant, the more stringent limit or applicable National Pretreatment Standard shall apply. The daily maximum is defined as the arithmetic mean of the pollutant concentration calculated from all measurements taken that day.

B. Alternate Standards. The City reserves the right to establish, by ordinance or in wastewater discharge permits, alternate standards or requirements on discharges to the Municipal Sanitary Sewer System for specific user groups. Such alternate standards or requirements shall be based upon, but not limited to, an analysis of available treatment technology, potential economic impacts, and potential impacts to the POTW.

C. Dilution. No discharger shall increase the use of potable or process water in any way, nor mix separate waste streams for the purpose of diluting a discharge as a partial or complete substitute for adequate treatment to achieve compliance with the standards set forth in this chapter.

D. Maintenance. It shall be the responsibility of the owners of all pretreatment devices, including but not limited to, grease traps, grease interceptors, sand/oil interceptors (oil/water separators), and other approved systems, to properly operate and maintain such systems and devices to prevent interference, excessive discharge, slug load, restricted flow, or pass through of any contaminants discharged to the POTW. Maintenance and disposal records shall be kept on site for inspection by the Director.

1. Proper maintenance of pretreatment devices shall mean, at a minimum:

- a. For grease traps: unless otherwise approved by the Director, grease traps must be cleaned when the total accumulation of surface fats/oils/greases (including floating solids) and settled solids reaches 25 percent of the grease traps overall liquid depth.
- b. For grease interceptors: unless otherwise approved by the Director, grease interceptors must be cleaned when the total accumulation of surface fats/oils/greases (including floating solids) and settled solids reaches 25 percent of the volume of any chamber of the grease interceptor.
- c. For sand/oil interceptors: unless otherwise approved by the Director, the interceptor shall be inspected monthly and cleaned if any of the following conditions are present: (1) sludge accumulation => 20 percent capacity of any chamber, (2) oil accumulation => 2 inches, (3) coalescing media plugged, (4) visible sheen on interceptor discharge or, (5) sample results exceed limits in this section.

d. Other approved devices: maintenance of other pretreatment devices shall be conducted in accordance with the manufacturer's specifications for such device and/or Engineering Report and/or Operation/Maintenance Manual approved by the City's Pretreatment Program staff. (Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27285 § 3; passed Nov. 2, 2004: Ord. 26888 § 1; passed Dec. 4, 2001: Ord. 25587 § 6; passed Sept. 20, 1994: Ord. 24879 § 3; passed May 21, 1991: Ord. 24049 § 1; passed Mar. 29, 1988: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.050 Limitations on radioactive wastes.

No person shall discharge or cause to be discharged, any radioactive waste into the Municipal Sewer System except when that person is authorized to use those radioactive materials by the State Department of Health or other governmental agency empowered to regulate radioactive materials. (Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.060 Limitations on the use of garbage grinders.

Food waste from garbage grinders discharged into the Municipal Sanitary Sewer System shall be properly shredded so that 100 percent will pass a 3/8-inch sieve and 75 percent will pass a 1/4-inch sieve. Persons engaged in the wholesale/retail sale of raw produce shall be limited to one grinder having a prime motor not exceeding five horsepower for the processing of raw produce waste. No discharge permitted by this section may contain plastic, paper products, inert material, garden refuse, or other material prohibited by this chapter. (Ord. 25587 § 7; passed Sept. 20, 1994: Ord. 24307 § 1; passed Mar. 7, 1989: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.070 Limitations on point of discharge.

Unless authorized by the Director, no person shall discharge any substances directly into a manhole or other opening in the Municipal Sanitary Sewer System other than through an approved building sewer. If such authorization is issued for such direct discharge, the user shall pay the applicable charges and fees and shall meet such other conditions as required by the Director. (Ord. 25587 § 8; passed Sept. 20, 1994: Ord. 24879 § 4; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.080 Prohibited, allowable, and conditional discharges – Storm.

A. Prohibited Discharges. No person shall throw, drain, spill, or otherwise discharge, cause, or allow others under its control to throw, drain, spill, or otherwise discharge in the municipal storm drain system and/or surface and ground waters any materials other than stormwater. Examples of prohibited discharges are discharges that are contaminated with the following pollutants: Construction materials, trash, solids, and debris

1. Petroleum products including, but not limited to, oil, gasoline, grease, fuel oil, and heating oil
2. Antifreeze and other automotive products
3. Metals in either particulate or dissolved form
4. Flammable or explosive materials
5. Radioactive material
6. Batteries
7. Acids, alkalis, or bases
8. Paints, stains, resins, lacquers, or varnishes
9. Degreasers and/or solvents
10. Drain cleaners
11. Pesticides, herbicides, or fertilizers
12. Soaps, detergents, or ammonia
13. Steam-cleaning wastes
14. Swimming pool or spa filter backwash
15. Chlorine, bromine, or other disinfectants
16. Heated water
17. Domestic animal wastes

18. Sewage
 19. Recreational vehicle waste
 20. Animal carcasses
 21. Food wastes or products
 22. Bark and other fibrous materials
 23. Lawn clippings, leaves, or branches
 24. Silt, sediment, concrete, cement, or gravel
 25. Chemicals not normally found in uncontaminated water
 26. Any other process-associated discharge, except as otherwise allowed in this section
 27. Any other material that is regulated as a hazardous substance or hazardous or dangerous waste by federal, state, or local laws and regulations.
- B. Allowable Discharges. The following types of discharges shall not be considered prohibited discharges for the purposes of this chapter unless the Director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:
1. Diverted stream flows
 2. Rising ground waters
 3. Uncontaminated ground water infiltration- as defined in 40 CFR 35.2005(20)
 4. Uncontaminated pumped ground water
 5. Foundation drains
 6. Air conditioner condensation
 7. Irrigation water from agricultural sources that is commingled with urban stormwater
 8. Springs
 9. Water from crawl space pumps
 10. Footing drains
 11. Flows from riparian habitats and wetlands
 12. Discharges from emergency fire fighting activities
- C. Conditional Discharges. The following types of discharges shall not be considered illicit discharges for the purposes of this chapter if they meet the stated conditions, unless the Director determines that the type of discharge, whether singly or in combination with others, is causing or is likely to cause pollution of surface water or ground water:
1. Potable water, including water from water line flushing, hyperchlorinated water line flushing, fire hydrant system flushing, and pipeline hydrostatic test water. Planned discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary, and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system. In all cases, the receiving storm pipe shall be monitored for the duration of the discharge to maintain half the full pipe flow rate.
 2. Lawn watering and other irrigation runoff are permitted but shall be minimized.
 3. Dechlorinated swimming pool discharges. These discharges shall be dechlorinated to a concentration of 0.1 ppm or less, pH-adjusted if necessary and in volumes and velocities controlled to prevent resuspension of sediments in the stormwater system.
 4. Street and sidewalk wash water, water used to control dust, and routine external building wash down that does not use detergents are permitted if the amount of street wash and dust control water used is minimized. At active construction sites, street sweeping must be performed prior to washing the street.
 5. Non-stormwater discharges covered by another NPDES permit, provided, that the discharge is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations and, provided that, written approval has been granted for any discharge to the storm drain system.

6. Other non-stormwater discharges. The discharges shall be in compliance with the requirements of a stormwater pollution prevention plan (SWPPP) reviewed and approved by the Director which address control of such discharges by applying AKART to prevent contaminants from entering surface or ground water. Special approved discharges may be allowable in accordance with TMC 12.08.365.B

7. All applicable fees as set forth in this section shall be paid.

D. System Overburden. This section shall not be construed to limit in any way the City's ability to deny permission to discharge waters into storm drains when additional waters would overburden City storm systems.

E. Prohibition of Illicit Connections. The construction, use, maintenance, or continued existence of illicit connections to the storm drain system is prohibited, regardless whether such connection was lawful at the time it was made. A person is considered to be in violation of this chapter if the person connects a line conveying sewage or any of the substances enumerated in TMC 12.08.020 and TMC 12.08.040 through TMC 12.08.060, as well as this section, to the storm drain system, or allows such a connection to continue.

F. It shall be a violation of this chapter for any person to cause "track out" materials to be deposited on paved public streets or alleys within the City of Tacoma when there is a potential for such materials to be carried by runoff for collection by the municipal storm drain system.

G. Illicit discharges to the City storm drains, receiving waters, or ground waters within Tacoma city limits are prohibited and are subject to all penalties prescribed by this chapter. (Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27538 § 4; passed Oct. 24, 2006; Ord. 27003 § 5; passed Nov. 19, 2002; Ord. 25802 § 5; passed Dec. 5, 1995; Ord. 25587 § 9; passed Sept. 20, 1994; Ord. 25317 § 1; passed Jun. 8, 1993; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.090 Stormwater program requirements.

A. Pursuant to the terms of its municipal stormwater NPDES permit, the City of Tacoma has implemented a stormwater management program that includes the use of the Manual. The Director of Public Works is authorized to enforce the provisions of the stormwater management program through reasonable rules and administrative procedures, pursuant to TMC 12.08.007.

B. The following activities are regulated through the stormwater management program under this chapter:

1. Existing discharges and land uses that discharge to the storm drains, either directly or indirectly or that discharge to receiving waters within Tacoma city limits, either directly or indirectly.

2. Discharges from new development, redevelopment, and construction activities

3. Stormwater maintenance activities.

C. Minimum Source Control Requirements for Existing Discharges and Land Uses. Source Controls shall be implemented by all businesses and public entities engaged in pollution generating activities.

1. If the Director determines that discharges from an existing commercial or industrial facility cause or contribute to an illicit discharge, a nuisance, a threat to public health and safety, or a violation of the City's municipal stormwater NPDES permit or this chapter, the Director shall require the responsible party to implement and maintain operational BMPs in accordance with Volume IV of the Manual. The Director may also require persons responsible for "track-out" conditions on paved public streets or alleys to implement and maintain operational BMPs in accordance with Volume IV of the Manual to prevent polluted matter from entering the municipal storm drain system. If the Director determines that the discharges causing or contributing to the problem cannot be adequately addressed by operational BMPs, the Director may require the responsible party to undertake more stringent or additional BMPs, which may include structural BMPs or other actions necessary to cease causing or contributing to the problem or violation.

2. Source control activities shall be implemented to the extent necessary to prevent prohibited discharges, as described in TMC 12.08.080, and to prevent contaminants from coming in contact with stormwater. Source control actions include, but are not limited to, segregating or isolating wastes to prevent contact with stormwater; enclosing, covering, or containing the activity to prevent contact with stormwater; developing and implementing inspection and maintenance programs; sweeping; and taking management actions, such as training employees on pollution prevention.

3. Spill prevention shall be required for all businesses and public entities, as defined in rules promulgated by the Director. Minimum requirements for spill prevention shall include developing and implementing plans and procedures to prevent spills and other accidental releases of materials that may contaminate stormwater. This requirement may be satisfied by a Stormwater Pollution Prevention Plan prepared in compliance with an NPDES stormwater permit for the site; the implementation of procedures for immediate containment and other appropriate action regarding spills and other accidental

releases to prevent contamination of stormwater; providing necessary containment and response equipment on-site; and training of personnel regarding procedures and equipment to be used.

D. Minimum Requirements for New Development and Redevelopment. New development and redevelopment activities that are required to obtain City permits shall comply with the following minimum requirements, in accordance with the City's municipal stormwater NPDES permit and in accordance with the thresholds and requirements of the City's Manual.

1. Preparation of a Stormwater Site Plan. All projects shall prepare a stormwater site plan for review and approval by the Director.

2. Preparation of a Construction Stormwater Pollution Prevention Plan for erosion and sediment control. This plan shall be designed to comply with the requirements and purposes of the Manual, this section, any other applicable sections of Titles 2 and 13 of the Tacoma Municipal Code, and any departmental guidelines promulgated by the Director. The plan shall be designed, submitted, and implemented to address the following:

- a. Mark clearing limits;
- b. Establish construction access routes and controls;
- c. Control flow rates;
- d. Install sediment controls;
- e. Stabilize soils;
- f. Protect slopes;
- g. Protect storm drain inlets;
- h. Stabilize channels and outlets;
- i. Control pollutants;
- j. Control de-watering;
- k. Maintain BMPs; and
- l. Manage the project.

3. Source Control of Pollutants. Source control BMPs shall be selected, designed, applied, and maintained in accordance with the Manual and any departmental guidelines promulgated by the Director.

4. Preservation of Natural Drainage Systems. Natural discharges from the site shall be maintained, shall occur at the natural location to the maximum extent practicable, and must not cause a significant adverse impact downstream or down gradient.

5. On-site Stormwater Management. Where appropriate, projects shall employ on-site stormwater management BMPs to infiltrate, disperse, and retain stormwater runoff onsite to the maximum extent feasible without causing flooding, erosion, water quality or groundwater impacts. Prior approval of the Director is required for such BMPs.

6. Runoff Treatment. All projects that meet the thresholds for runoff treatment in Volume 1 of the Manual shall provide water quality treatment in accordance with that Manual.

7. Flow Control (detention). All projects that meet the thresholds for flow control in Volume I of the Manual shall provide flow control in accordance with the Manual. Additionally, all projects shall address the need to provide water quantity controls according to the design criteria as determined by the Director. The requirement for stormwater detention will also be determined by pipe capacity and stormwater discharge location, as provided in the Manual.

8. Wetlands. Discharges to wetlands shall maintain the hydrologic conditions, hydrophytic vegetation, and substrate characteristics necessary to support existing and designated functions. Wetland areas are also regulated by Chapter 13.11 of the Tacoma Municipal Code, Critical Areas Preservation.

9. Geographic Specific Requirements. Projects may be subject to equivalent or more stringent minimum requirements for erosion control, source control, treatment, wetlands protection, and operation and maintenance, and alternative requirements for flow control as a result of basin or watershed plan, in accordance with Volume 1 of the Manual.

10. Operation and Maintenance Plan. An operation and maintenance manual consistent with City standards shall be provided for all proposed stormwater facilities and BMPs and party, or parties, responsible for operation and maintenance shall be identified. A copy of the Manual shall be retained on site or within reasonable access to the site and shall be transferred with the property to the new owner.

11. Off-site Analysis and Mitigation. All projects shall include an analysis of off-site water quality and quantity impacts resulting from the project and shall mitigate these impacts if necessary. The analysis shall extend a minimum of one-fourth of a mile downstream from the project. The Director may require that the analysis shall extend further if deemed necessary. The existing or potential impacts to be evaluated and mitigated under this section shall include, but are not limited to:

- a. Impacts on conveyance system capacity;
- b. Localized flooding;
- c. Aquatic habitat (wetlands) impacts;
- d. Erosion impacts, including landslide hazards;
- e. Stream bank and channel erosion; and
- f. Impacts to known water quality or erosion problems;

12. Financial Liability. Performance bonding and/or other appropriate financial security may be required for all projects to ensure timely and proper completion of improvement, to ensure compliance with the minimum requirements of this chapter, or to warranty materials, workmanship and performance of design.

E. Stormwater Maintenance Activities. Maintenance of all storm drainage facilities or controls shall be required in accordance with the Manual. The proper maintenance of these controls or facilities is essential for the protection of the City's municipal storm drainage system and the environment. Storm drainage controls or facilities are either privately or publicly owned and maintained. All storm drainage facilities that serve commercial and industrial sites are private. Storm drainage facilities or controls that are privately owned by a homeowner's association or similar organization also are private

1. Maintenance and Inspection. All privately owned storm drainage facilities or controls shall be maintained by the owner, or the homeowner and/or owner association, if one is established as part of a residential or commercial development. All private storm drainage facilities shall be regularly inspected to ensure proper operation and shall monitor the facility or control as required or as set forth in the Manual. The owner, or homeowner and/or owner association shall maintain records of inspection and maintenance, disposal receipts, and monitoring results. The records shall catalog the action taken, the person who took it, the date said action was taken, how it was done, results of any monitoring effort, and any problems encountered or follow-up actions required. The records shall be made available to the City upon request. The owner, or homeowner and/or owner association shall maintain a copy of the Stormwater Operations and Maintenance Manual on site, and shall make reference to such document in real property records filed with the Pierce County Auditor, so others who acquire real property served by the privately owned storm drainage facilities or controls are notified of their obligation to maintain such facilities or controls.

2. City Inspection. The regular inspection of privately owned storm drainage facilities or controls is essential to enable the City to evaluate the proper operation of the City's municipal storm drainage system and the environment. The City shall have the right to regularly inspect all private storm drainage facilities to ensure they are properly operated and maintained. The City may offer an incentive program to owners to encourage the proper maintenance of private storm drainage facilities.

F. Requirement to Report Spills, Releases, or Illicit Discharges. A responsible party shall report to the Environmental Services Division any spill, release, illicit discharge, or other incident causing a discharge that has contributed or is likely to contribute pollutants to the Municipal Sewer System or a receiving water immediately, but no later than twenty-four (24) hours after first becoming aware of such event. Spills shall be reported to Environmental Services. This reporting requirement is in addition to any other reporting requirement imposed, pursuant to federal, state, or local laws and regulations. (Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27538 § 5; passed Oct. 24, 2006; Ord. 27285 § 4; passed Nov. 2, 2004; Ord. 27003 § 6; passed Nov. 19, 2002)

12.08.095 Exceptions procedure.

A. General. Requests for exceptions from the requirements of TMC 12.08.090 may be made according to this section. An exception may be requested to allow a waiver, a reduction or modification of a requirement, or to permit an alternative requirement. Any such request must be made in writing. The Director shall approve or deny such requests in writing and shall only approve an exception to the extent it is necessary to meet the criteria set forth in this section. An applicant is not entitled to an exception, whether or not the criteria for approval of an exception are met. The Director may require the applicant to submit a Washington State licensed engineer's report or analysis with a request for an exception. As a condition of approving an exception, the Director may impose new or additional requirements to offset or mitigate harm that may be caused by approving the exception.

B. Equally Protective Exceptions. The Director may approve a request for an exception if the Director determines that it is likely to achieve an equal level of protection of public health, safety and welfare, the environment, and public and private property as the requirement from which an exception is sought.

C. Other Exceptions. The Director also may approve a request for an exception where the criteria in subsection B are not met, or where the Director cannot determine whether the criteria are met, if the Director determines in his or her sole discretion that substantial reasons exist for approving the requested exception and the exception will not cause significant harm. Substantial reasons may include, but are not limited to,

1. The requirement is not technically feasible;
2. An emergency situation necessitates approval of the exception;
3. No reasonable use of the property is possible unless the exception is approved;
4. The requirement would cause harm or a significant threat of harm to public health, safety and welfare, the environment, or public and private property, or would cause extreme financial hardship which substantially outweighs its benefits.

D. The approval of an exception shall not be construed to be an approval of any violation of any of the other provisions of this chapter nor approval of any violation of any other ordinance of the City nor approval of any violation of any other valid law of any governmental entity having jurisdiction. The approval of plans, specifications, and calculations for an exception shall not prevent the Director from thereafter requiring the correction of errors in such plans, specifications, or other data, or from preventing operations being carried on thereunder when in violation of this chapter, or any other ordinance of the City.

E. The following public notice requirements apply whenever a request for an exception to the Minimum Requirements contained in TMC 12.08.090.D ("Request") is received by the City:

1. Public notice ("Notice") shall be made to inform the public about the contents of the Request and the Director's decision to grant or deny it. Notice of the Request and the Director's decision to grant or deny the Request may be combined.
2. The Notice shall be published, at the requester's cost, in the City's newspaper of record and a local newspaper of general circulation within Tacoma. The Notice shall also be published on the surface water section of the City's website.
3. The Notice shall include: (i) a brief description of the Request; (ii) a brief description of the Director's decision to grant the Request and the reasons supporting the decision, or a statement that the Request is denied; (iii) where the Request and the Director's decision to grant or deny the Request can be reviewed; and (iv) the name and contact information of a City employee who can answer questions regarding the Request.
4. The City shall provide a hardcopy of the Director's decision to grant or deny a Request to the requester. The Director's decision to approve or deny a Request shall include a reference to the procedures in TMC 12.08.678 for contesting such decision.

F. Appeals to the Hearing Examiner. Appeals of the Director's decision on Request for an exception shall be made to the Hearing Examiner in accordance with TMC 12.08.678. (Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27749 Ex. A; passed Oct. 21, 2008; Ord. 27538 § 6; passed Oct. 24, 2006; Ord. 27003 § 7; passed Nov. 19, 2002)

12.08.100 Sampling and testing of wastewater.

Authorized City representatives, bearing proper credentials and identification shall be permitted to enter upon any and all premises at all reasonable times for the purpose of inspection, observation, records examination and copying, measurement, sampling, and testing of wastewater (including storm or surface water) in accordance with the provisions of this chapter. (Ord. 27538 § 7; passed Oct. 24, 2006; Ord. 25587 § 11; passed Sept. 20, 1994; Ord. 24879 § 6; passed May 21, 1991; Ord. 23240 § 1; passed Aug. 28, 1984.)

12.08.130 Pretreatment of commercial and/or industrial wastewater.

The industrial wastewater pretreatment requirements of this chapter shall apply to all users of the POTW, including those dischargers located outside the political boundary of the City. This chapter authorizes the issuance of wastewater discharge permits; authorizes monitoring, compliance, and enforcement activities; establishes administrative review procedures; and requires user reporting. State requirements and limitations on discharges to the POTW shall be met by all users which are subject to such standards in any instance in which they are more stringent than federal requirements and limitations, or those in this chapter or other applicable ordinance.

A. If, as determined by the Director, treatment facilities, operational changes or process modifications at a commercial and/or industrial dischargers facility are needed to comply with any requirements under this chapter or are necessary to meet any applicable state or federal requirements, the Director may require that such facilities be constructed or modified or changed to bring effluent into compliance in the shortest feasible time. All reasonable and economically achievable treatment shall be required to meet discharge limitations and requirements.

B. Any requirement provided for or authorized pursuant to this chapter may be incorporated as a part of an industrial wastewater discharge permit issued under TMC 12.08.140 or any other enforcement document and made a condition of issuance of such permit or made a condition of the acceptance of the wastewater from such facility.

C. Plans, specifications, engineering calculations, and other information relating to the construction or installation of pretreatment facilities required by the Director under this chapter shall be submitted to the Director. All such plans and specifications shall be prepared under the supervision of a professional engineer licensed in accordance with Chapter 18.43 RCW and in accordance with the requirements for approval of industrial wastewater facilities contained in Chapter 173-240 WAC. All copies of these documents submitted for review shall bear the seal of the professional engineer under whose supervision the documents were prepared. No construction or installation shall begin until written approval of the plans and specifications has been given by the City.

D. The approval of plans, specifications, and calculations shall not be construed to be an approval of any violation of any of the provisions of this chapter, nor approval of any violation of any other ordinance of the City of Tacoma, nor approval of any violation of any other valid law of any governmental entity having jurisdiction. An approval shall be invalid if that approval presumes to give authority to violate or cancel the provisions of any valid law. The approval of plans, specifications, and calculations shall not prevent the Director from thereafter requiring the correction of errors in such plans, specifications, or other data, or from preventing operations being carried on thereunder when in violation of this chapter, or any other ordinance of the City of Tacoma. (Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27538 § 8; passed Oct. 24, 2006; Ord. 27285 § 5; passed Nov. 2, 2004; Ord. 25802 § 6; passed Dec. 5, 1995; Ord. 25587 § 12; passed Sept. 20, 1994; Ord. 24879 § 7; passed May 21, 1991; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.140 Industrial wastewater discharge permits.

A. General. All nondomestic users must notify the Director by completing and submitting a survey to the Public Works - Science & Engineering Division, whenever they intend to connect to the POTW or modify or increase any nondomestic wastestream. The Director may condition or deny any and all waters discharged to the POTW, and may require all information necessary to determine whether a discharger is a significant industrial user (SIU). All significant industrial users, as determined by the Director, that propose to connect to or to discharge sewage, industrial wastes and other wastes to the Municipal Sanitary Sewer System, or propose to change processes which might reasonably be expected to increase the volume and/or concentration of pollutants in the wastestream, shall obtain a wastewater discharge permit before connecting to or discharging to the system or significantly modifying or increasing their wastestreams.

B. Permit Application - Industrial Users Subject to Newly Promulgated Categorical Pretreatment Standards. Any industrial user that was discharging, or was scheduled to discharge, wastewater into the POTW prior to the effective date of the ordinance codified in this chapter, and is subject to a categorical pretreatment standard that was promulgated by the United States Environmental Protection Agency after the effective date of the ordinance codified in this chapter, shall within 180 days after the effective date of such newly promulgated categorical pretreatment standard submit to the City a wastewater discharge permit application. The permit application shall contain information identified in TMC 12.08.140.E.1 through 8. When completed in accordance with 40 CFR Part 403.12(b), such application may be considered the user's baseline monitoring report (BMR).

C. New Sources and New Users. At least 90 days prior to commencement of discharge, new sources subject to categorical pretreatment standards issued by the United States Environmental Protection Agency, and new users determined to be SIUs shall submit to the City a permit application. The permit application shall contain the information identified in TMC 12.08.140.E.1 through 5. New sources and new users shall give estimates of the information described in TMC 12.08.140.E.1 through 5. New sources and new users determined to be SIUs shall also include in their application such information that adequately describes the method of pretreatment the user will use to meet applicable pretreatment standards. No wastewater discharge permit shall be issued unless and until all required information has been provided.

D. Permit Application - Existing Significant Industrial Users. Any SIU that was discharging wastewater into the POTW prior to the effective date of the ordinance codified in this chapter shall comply with the reapplication requirements of TMC 12.08.210. Upon determination by the Director that any existing user qualifies as a significant industrial user, that existing user shall submit a permit application within 90 days of notification; provided, that the Director determines that such continued discharge is not reasonably expected to violate any applicable pretreatment standard or requirement.

E. Information Required in Permit Applications.

1. Identifying Information. The user shall submit the name and address of the facility including the name of the operator and owner(s).

2. Permits. The user shall submit a list of any environmental control permits either applied for or held by or for the facility.

3. Description of Operations. The user shall submit a brief description of the nature, average rate of production, and Standard Industrial Classification of the operations(s) carried out by such industrial user. This description should include a schematic process diagram which indicates points of discharge to the Municipal Sanitary Sewer System from the regulated processes.

4. Flow Measurement. The user shall submit information showing the measured average daily and maximum daily flow, in gallons per day, to the Municipal Sanitary Sewer System from each of the following:

- a. Regulated process streams;
- b. Other streams as necessary to allow use of the combined wastestream formula of 40 CFR 403.6(e); and
- c. Total process flow, wastewater treatment plant flow, total plant flow or individual manufacturing process flow as required by the Director.

The Director may allow for verifiable estimates of the flows where justified by cost or feasibility considerations.

5. Measurement of Pollutants. The user shall identify the pretreatment standards applicable to each regulated or other process wastestream as determined by the Director, perform sampling and report the results in accordance with the requirements of the industrial wastewater discharge permit application as applicable. All analysis shall be performed by a certified laboratory, in accordance with the provisions of WAC 173-216-125.

a. For baseline and periodic monitoring reports from users, the following requirements shall apply, unless the Director finds they are not necessary to obtain representative results: if pH, cyanide, total phenols, oil and grease, sulfide, or volatile organics are to be sampled, then at least four grab samples shall be taken of these pollutants. All other pollutants must be measured by flow proportional composite samples unless the Director finds that such measurements are not feasible. If the Director finds that such measurements are not feasible, then a time-based or composite of four grab samples shall be taken. For all other users, the user shall take a minimum of one representative sample to compile that data necessary to comply with the permit application requirements.

b. Samples shall be taken immediately downstream from pretreatment facilities if such exist or immediately downstream from the regulated processes if no pretreatment exists. The user shall measure the flows and concentrations necessary to allow use of the combined wastestream formula if other wastewaters are mixed with the regulated wastewater prior to pretreatment. Measurements shall be representative of daily operations. Both daily maximum and average concentrations (where determined) shall be reported.

c. Sampling and analysis shall be performed in accordance with the techniques prescribed in 40 CFR Part 136 as amended.

d. The Director may allow the submission of a baseline report which utilizes only historical data so long as the data provides information sufficient to determine the need for industrial pretreatment measures. Such baseline report shall indicate the time, date and place of sampling, and methods of analysis, and shall certify that such sampling and analysis is representative of normal work cycles and expected pollutant discharges to the Municipal Sanitary Sewer System.

6. Certification. A statement, reviewed by a certified professional who is an authorized representative of the user, stating whether the user is meeting applicable pretreatment standards on a consistent basis, and, if not, whether additional pretreatment or operation and maintenance (O & M) is required for the user to meet the applicable pretreatment standards and requirements.

7. Compliance Schedule/Engineering Report. Where pretreatment and/or operation and maintenance activities will be required to comply with this chapter, or where a Discharger modifies, or proposes to construct or modify wastewater facilities, or in response to a compliance schedule ordered by the Director as a result of an incident or incidents of noncompliance, the Discharger shall provide an engineering report describing the action that must be taken to comply with this chapter.

a. The engineering report shall include a time schedule, showing the dates by which such action will be completed. The schedule shall indicate the dates by which major events will be completed leading to the construction and operation of additional pretreatment that is required for the discharger to comply with this chapter, including, but not limited to, dates relating to the retention of an engineer who is to design the improvements; the retention of other appropriate personnel; the completion of preliminary plans; the completion of construction documents; execution of a contract for major components; start of construction; and completion of construction. The date of final compliance shall not be extended beyond the final compliance date established for the applicable pretreatment standard.

b. All such reports, plans, and specifications shall be prepared in accordance with the requirements of Chapter 173-240 WAC and under the supervision of a professional engineer, licensed in accordance with Chapter 18.43 RCW. All copies of these documents submitted for review shall bear the seal of the professional engineer under whose supervision the documents were prepared.

c. The discharger shall submit a copy of the engineering report to the Science & Engineering Division. Additional copies may be required by other federal, state, or local agencies that have jurisdiction. Approval from all agencies with jurisdiction shall be obtained prior to the construction or installation of any necessary facilities.

d. Under no circumstance shall the Director permit a time increment for any single step directed toward compliance which exceeds nine months.

e. Not later than 14 days following each milestone date in the schedule and the final date for compliance, the discharger shall submit a progress report to the Director, including, at a minimum, a statement as to whether or not it complied with the increment of progress represented by that milestone date and, if not, the date on which it expects to comply with this increment of progress, the reason for delay, and the steps being taken by the discharger to return the construction to the approved schedule. In no event shall more than nine months elapse between such progress reports to the Director.

8. Slug load Discharge Evaluation. The discharger shall evaluate their facility against the potential for slug load discharges from their industrial processes and submit such information with their permit application. F. Signatory Requirements. All permit applications and user reports must be signed by an authorized representative of the user and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.

G. Public Notice. The Director will review the permit application and supporting data furnished by the discharger. The permit application and supporting data may be reviewed by other City departments or governmental agencies as determined by the Director, to verify compliance with applicable laws. If the Director finds that the data submitted is acceptable, then the Director shall direct the applicant to publish notice for each application; except, however, public notice requirements shall not apply to permit renewals if there are no increases in volume or changes in the characteristics of discharge beyond those previously authorized. Publication shall be at least once each week, for two consecutive weeks, in a newspaper of general circulation in Pierce County. The public notice shall be in a form provided by the Director, and shall include the following:

1. The name, address, and phone number of the office issuing the notice;
2. The name and address of the applicant, and if different, the name and address of the facility or activity to be permitted;
3. A brief description of the applicant's activities or operations which result in the discharge described in the application (e.g., steel manufacturing, chemical processing, etc.);
4. A brief description of the discharge point(s); and
5. The address and phone number of the office at which interested persons may obtain further information.

H. Public Comment. Public comment on permit applications will be accepted for a 30-day period following the second publication. If the Director determines that there is a significant public interest, then the Director shall require that a public hearing be held after the 30-day comment period, at a time and place deemed appropriate by the Director.

I. Permit Conditions. Following the public comment period, and following the public hearing if held, the Director shall issue a wastewater discharge permit if the Director finds that the permit application, specifications, and other data conform to the requirements of this chapter and other pertinent laws. Wastewater discharge permits shall specify applicable requirements of this chapter including, at a minimum, the following where applicable:

1. Effluent limits, including Best Management Practices. Limits based on applicable Pretreatment Standards in 40 CFR Part 403, including Categorical Pretreatment Standards, local limits, and state and local law for the average and maximum wastewater constituents and characteristics regulated by this chapter;
2. Limits on average and maximum rate and time of discharge, equivalent mass, or concentration limits for a pollutant as allowed by 40 CFR Part 403 and appropriate to the discharge and/or requirements for flow regulations and equalization;
3. Requirements for installation and maintenance of inspection and sampling facilities;
4. General conditions under which permittees will monitor their wastewater for compliance including, but not limited to, sampling locations, frequency and number of sampling events, sampling parameters, testing standards, sample handling, taking representative samples, and reporting requirements;

5. Requirements for all analysis to be performed by registered and accredited laboratories in accordance with State regulation, WAC 173-216-125;

6. Compliance schedules;

7. Requirements for submission of special technical reports or discharge reports where same differ from those prescribed by this chapter;

8. Notification procedures;

9. Recordkeeping requirements;

10. Accidental Spill Prevention Plan. If determined to be necessary by the Director, an Accidental Spill Prevention Plan (ASPP) shall contain policies and procedures to ensure that the user prevents or mitigates the effects of slug load discharges. All users shall fully implement such plans and immediately notify the Science & Engineering Division when any changes to a facility or its industrial process pose potential slug load risks not previously addressed in the facility's existing slug control plan;

11. Permit duration;

12. Permit transfer limitations;

13. A statement of applicable civil and criminal penalties; and

14. Signatory requirements.

J. Permit Modifications. The Director may amend any wastewater discharge permit issued hereunder in order to assure compliance by the City with applicable laws and regulations or for other good cause. As used in this section, the term "good cause" shall include but not be limited to, the following:

1. To incorporate any new or revised federal, state, or local pretreatment standards or requirements;
2. To address significant alterations or additions to the user's operation, processes, or wastewater volume or character since the time of wastewater discharge permit issuance;
3. A change in the POTW that requires either a temporary or permanent reduction or elimination of the authorized discharge;
4. Information indicating that the permitted discharge poses a threat to the POTW, personnel, or the receiving waters;
5. Violation of any terms or conditions of the wastewater discharge permit;
6. Misrepresentations or failure to fully disclose all relevant facts in the wastewater discharge permit application or in any required reporting;
7. Revision of or a grant of variance from categorical pretreatment standards pursuant to 40 CFR Part 403.13;
8. To correct typographical or other errors in the wastewater discharge permit; or
9. To reflect transfer of the facility ownership and/or operation to a new owner/operator.

Within nine months of the effective date of a National Categorical Pretreatment Standard, the wastewater discharge permit of each discharger subject to such standards shall be revised to require compliance with such standards within three years of the effective date of the standard, unless federal or state regulations require a shorter implementation period. All National Categorical Pretreatment Standards hereinafter adopted by the United States Environmental Protection Agency shall be by this reference included herein including mass or production based limits where appropriate.

a. Where a discharger, subject to a National Categorical Pretreatment Standard has not previously submitted an application for a wastewater discharge permit as required by this chapter, then the discharger shall apply for a wastewater discharge permit within 180 days after the effective date of the applicable National Categorical Pretreatment Standard by the United States Environmental Protection Agency.

b. A discharger with an existing wastewater discharge permit shall submit to the City within 180 days after the effective date of an applicable National Categorical Pretreatment Standard a certification as described in TMC 12.08.140.E.6, and a compliance schedule/engineering report as described in TMC 12.08.140.E.7.

c. The discharger shall be informed of any permit modifications at least 30 days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance; provided, however, that in all cases National Categorical Pretreatment Standards shall be met within three years of the effective date of the standard, unless federal or state regulations require a shorter implementation period.

K. Validity of Permit.

1. The issuance of a permit, or granting approval of plans, specifications, and computations, shall not be construed to be a permit for, or approval of, any violation of any of the provisions of this chapter, or any other applicable rule or regulation. Permits presuming to give authority to violate the provisions of this chapter shall not be valid.

2. Issuance of a wastewater permit shall not relieve the permittee from obtaining such additional permits as may be required by the City, or by other agencies having jurisdiction. In particular, construction permits must be obtained prior to the start of construction. In accordance with Chapter 173-240 WAC, prior to the construction or modification of industrial wastewater facilities, engineering reports and plans must be submitted to the Washington State Department of Ecology at least 30 days prior to the time approval is desired.

3. State requirements and limitations on discharges to the POTW shall be met by all users subject to such standards in all instances in which state standards are more stringent than either federal requirements, or the requirements stated in this chapter.

L. Permit Duration. All wastewater discharge permits shall be issued for a specified period of time not to exceed five years, subject to amendment or revocation as provided in this chapter. Under certain circumstances, a permit may be issued for a stated period less than five years.

M. Permit Charges. The City shall establish an annual charge for administering industrial wastewater discharge and industrial wastewater zero-discharge permits. Such charges are as follows:

Effective Date: January 1, 1997:

Industrial wastewater discharge permit: \$700.00/year.

Industrial wastewater zero-discharge permit: \$480.00/year.

Payment shall be made in a manner and at the frequency determined by the Director.

N. Limitations on Permit Transfer. Wastewater discharge permits are issued to a specific discharger for a specific operation and are not assignable to another discharger without the prior written approval of the Director, or transferable to any other location. (Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27538 § 9; passed Oct. 24, 2006: Ord. 26729 § 1; passed Nov. 7, 2000: Ord. 25979 § 1; passed Nov. 19, 1996: Ord. 25802 § 7; passed Dec. 5, 1995: Ord. 25587 § 13; passed Sept. 20, 1994: Ord. 24879 § 8; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.150 Reporting requirements for wastewater permittee.

A. Compliance Date Report. Within 90 days following the date by which final compliance with applicable pretreatment standards must be met by a discharger as set forth in this chapter, or within 90 days after wastewater is first introduced into the POTW by a new source subject to the permit requirements of this chapter, such dischargers shall submit a report prepared under the supervision of a professional engineer, licensed in accordance with Chapter 18.83 RCW. The report shall state:

1. The nature and concentration of all regulated contaminants contained in the discharge;
2. The average and maximum daily flow in gallons, in accordance with TMC 12.08.140.E.4 through 6; and
3. Whether the applicable pretreatment standards or requirements are being met on a consistent basis. In the event the report concludes that the pretreatment standards are not being met on a consistent basis, the report shall state what additional operation and maintenance and/or pretreatment is necessary to bring the discharger into compliance with the applicable pretreatment standards and requirements. This statement shall be signed by an authorized representative of the discharger.

B. Periodic Compliance Reports - Dischargers Subject to an Applicable Pretreatment Standard and New Sources.

1. Any user subject to an applicable pretreatment standard, who is required to have a wastewater discharge permit and perform self-monitoring shall comply with all applicable requirements of 40 CFR Part 403.12, as may be amended, and as set forth in this chapter shall, after the compliance date of the applicable pretreatment standard, submit to the Science & Engineering Division a compliance report during the months of June and December unless required on another date or more frequently. The frequency of monitoring and reporting shall be prescribed within the user's wastewater discharge permit. New sources shall, after commencement of the discharge to the Municipal Sewer System, submit to the Science & Engineering Division a compliance report indicating the nature and concentration of regulated substances in the effluent which are limited by applicable Pretreatment Standards. Such reports shall include a record indicating the nature and concentration (and mass if specified in the user's wastewater discharge permit) of the pollutants in the effluent which are limited by such Pretreatment Standard. The report shall also include a record of measured or estimated average and maximum daily flows taken at the designated sampling locations and shall also include any additional information required by Chapter 12.08 TMC, and/or the user's wastewater discharge permit, including information necessary to determine whether the user is complying with Best

Management Practices(s), required under the user's wastewater discharge permit. In cases where the Pretreatment Standard or wastewater discharge permit requires compliance with a Best Management Practice, the user shall submit documentation required by the Director or the Pretreatment Standard necessary to determine the compliance status of the user. Flows shall be reported on the basis of actual measurement, provided that, if the Director finds that the cost or feasibility of such actual measurements justify, then the Director may accept by prior authorization, reports of average and maximum flows estimated by verifiable techniques. Production data shall be reported if required by the wastewater discharge permit or if the user is subject to concentration limits established by unit production limits specified in the applicable categorical standards.

2. Reports submitted by permittees shall contain all results of sampling and analysis of the discharge performed in accordance with the requirements of 40 CFR Part 136 and amendments thereto, including the flow, nature, and concentration, or production and mass where required by the Director. Reports submitted by permittees shall also contain documentation regarding the permittee's compliance with required Best Management Practices. When sampling and analysis is performed for regulated pollutants for purposes of determining compliance, such sampling and analysis shall be conducted in accordance with 40 CFR Part 136 and shall be reported. The frequency of monitoring by the discharger shall be as prescribed in the wastewater discharge permit issued to the discharger. All analyses shall be performed in accordance with 40 CFR Part 136, which is incorporated herein as though fully set forth, including any amendments thereto. If 40 CFR Part 136 does not include a sampling or analytical technique for the contaminant to be tested, then sampling and analysis shall be performed in accordance with the procedures set forth in "Sampling and Analysis Procedures for Screening of Industrial Effluents for Priority Pollutants," April, 1977 ed., as published by the United States Environmental Protection Agency ("EPA"), together with any amendments thereto, or with any other sampling and analytical procedures approved by the EPA. Sampling and analysis that is performed for regulated pollutants for the purposes of determining compliance shall be conducted in accordance with 40 CFR Part 136. Any sampling and analysis that is conducted more frequently than required herein, and is performed in accordance with the provisions of 40 CFR Part 136, shall be reported.

C. Hazardous Waste Notification. In accordance with 40 CFR Part 403.12(p) Industrial User Hazardous Waste Notification Requirements, all users of the Municipal Sewer System must notify the Science & Engineering Division, the EPA Regional Waste Management Division Director, and State hazardous waste authorities, in writing, of any discharge into the City's Municipal Sanitary Sewer System of a substance, which, if otherwise disposed of, would be a hazardous waste under 40 CFR Part 261. Additionally, notification shall be required for discharge of a substance, which, if otherwise disposed of, would be a dangerous waste under Chapter 173-303 WAC. Such notification shall include the name of the hazardous waste as set forth in 40 CFR Part 261, the EPA hazardous waste number, and the type of discharge (continuous, batch, or other). If the user discharges more than 100 kilograms of such waste per calendar month to the POTW, the notification shall also contain the following information to the extent it is known or readily available to the industrial user: an identification of the hazardous constituents contained in the wastes, an estimation of the mass and concentration of such constituents in the wastestream discharged during that calendar month, and an estimation of the mass of constituents in the wastestream expected to be discharged during the following 12 months.

These notification requirements do not apply to pollutants already reported under the self-monitoring requirements.

Whenever the EPA or Washington State Department of Ecology publishes final rules identifying additional hazardous or dangerous wastes or new characteristics of hazardous or dangerous waste, a user shall notify the Science & Engineering Division of the discharge of such a substance within 90 days of the effective date of such regulations.

D. Notification of Change in Production Levels. All users shall notify the Science & Engineering Division in advance of any change in the volume or character of pollutants in their discharge, including manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR Part 403.12(p). Where discharge permit limits incorporate concentration limits based upon production, the user shall notify the City within two calendar days after the user has a reasonable basis to know that the production level will significantly change within the next calendar month. Any user not providing a notice of such anticipated change will be required to comply with the concentration limits based upon the most recently approved estimate of the long term average production rate.

E. Notification of Potential Problems. Any user shall immediately notify the Science & Engineering Division upon becoming aware of any discharge that may adversely affect the POTW, including slug loads as defined in this chapter. The notification shall include the concentration, volume, corrective actions, and steps being taken to reduce any adverse impact; provided that the user's inability to provide this information shall not excuse the user from providing such information that the user does possess.

F. Notification of Noncompliance. If sampling performed by the user indicates that a violation of this chapter has occurred or is occurring, the user shall notify the Science & Engineering Division within 24 hours of becoming aware of the violation. If sampling performed by the City indicates that a violation of this chapter has occurred or is occurring, the City or the user, if so

directed by the City, shall repeat the sampling within five days and submit the results of such analysis within 30 days of becoming aware of the violation, except that the user need not resample if:

1. The City performs sampling at the user's facility at a frequency of at least once per month; or
2. The City performs sampling at the facility between the time the user performs its initial sampling and the time the user receives the results of this sampling.

G. Notification of Changed Discharge. A user shall promptly notify the Science & Engineering Division before making any change which alters the slug load discharge control plan required by TMC 12.08.230 or any substantial change in the volume or character of pollutants in its discharge, including significant manufacturing process changes, pretreatment modifications, and the listed or characteristic hazardous wastes for which the user has submitted initial notification under 40 CFR Part 403.12(p).

H. Signatory Requirements. All user reports must be signed by an authorized representative of the user and contain the following certification statement:

I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations. (Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27538 § 10; passed Oct. 24, 2006: Ord. 27003 § 8; passed Nov. 19, 2002: Ord. 26729 § 2; passed Nov. 7, 2000: Ord. 25587 § 14; passed Sept. 20, 1994: Ord. 24879 § 9; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.160 Wastewater monitoring facilities.

Each discharger shall provide and operate, at the discharger's expense, a monitoring facility to allow inspection, sampling, and flow measurement of each sewer discharge to the sanitary sewer. Each monitoring facility shall be located on the discharger's premises; provided that where such a location would be impractical or cause undue hardship on the discharger, the Director may allow the facility to be constructed in the public street or sidewalk provided that the facility is located so that it will not be obstructed by landscaping or parked vehicles.

There shall be ample room in or near such sampling facility to allow accurate sampling and preparation of samples for analysis. The facility, sampling, and associated equipment shall be maintained at all times in a safe and proper operating condition by the discharger. All monitoring facilities shall be constructed and maintained in accordance with American Public Works Association Standard Specifications and with any City of Tacoma Supplement currently in effect. All devices used to measure wastewater flow and quality shall be calibrated in a manner and frequency by the discharger to ensure their accuracy. Construction shall be completed no later than 180 days of receipt of all necessary permits by the discharger, or within 200 days of the date the discharger was notified that the necessary permits were available for issuance, whichever shall result in the shortest period of time. (Ord. 27538 § 11; passed Oct. 24, 2006: Ord. 27003 § 9; passed Nov. 19, 2002: Ord. 25587 § 15; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.170 Confidential information.

A. Presumption of Open Records. In accordance with the Public Records Act, (RCW 42.56) information and data that relates to a discharger that is obtained from reports, surveys, wastewater discharge permit applications, wastewater discharge permits, and monitoring programs, and City inspection and sampling activities, shall be available to the public without restriction, unless the discharger requests in writing that certain information contained in a wastewater discharge permit application, or other document (other than information on the effluent), be held as "Confidential Business Information" because disclosure of such information would divulge methods or processes entitled to protection as trade secrets under RCW 42.56.270(11). If the City does not agree that such information is entitled to protection under RCW 42.56, then it shall notify the discharger of such determination.

In the event the City receives a public records request for documents marked "Confidential Business Information," it shall notify the discharger in accordance with RCW 42.56.540, and the discharger may, at its own expense, seek a court injunction to prevent release of the document. If the discharger does not commence an action for injunction relief within ten business days of receiving the City's notice, the City may disclose the document.

B. Violations. During the time that possible violations of this chapter are being investigated by the City, investigation notes, draft orders, worksheets, summaries, and similar documents pertaining to the investigation may be maintained as confidential information to the extent allowed under RCW 42.56. At the time that an enforcement action, if any, is signed thus designating that enforcement action as final, then the confidential status shall terminate, and the document shall be made available for public inspection.

C. Disclosure Pursuant to Government Programs. Nothing in this section shall prohibit the Director from disclosing such information to other officers, employees, or authorized representatives of a governmental agency for uses related to applicable governmental programs, including, but not limited to, the NPDES program, and the pretreatment program.

D. Disclosure Pursuant to Enforcement Activities. Nothing in this section shall prohibit the Director from disclosing such information to other officers, employees, or authorized representatives of a governmental agency pursuant to enforcement proceedings involving the person or entity furnishing the information. (Ord. 27538 § 12; passed Oct. 24, 2006: Ord. 27285 § 6; passed Nov. 2, 2004: Ord. 25587 § 16; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.180 Emergency suspension of service and revocation of discharge permits.

A. Suspension of Service. The Director may suspend storm drainage services, special approved storm water discharges, and/or wastewater treatment services and the Director may suspend or revoke the wastewater discharge permit of a discharger when the Director finds that an actual or threatened discharge either:

1. Threatens or presents an imminent or substantial danger to the health or welfare of personnel or to the environment;
2. Threatens to or does interfere with the operation of the Municipal Sewer System or causes the City to violate its NPDES permit; or
3. Causes the permittee to violate any pretreatment limitations imposed by the permittee's wastewater discharge permit, or causes the permittee to violate other regulations contained in TMC 12.08.

B. Revocation of Permit Issued in Error. The Director may revoke a wastewater discharge permit issued in error, or issued on the basis of incorrect information supplied by the discharger.

C. Revocation Process. Upon determination by the Director that a wastewater permit shall be revoked, the Director shall take such steps as are reasonably calculated to immediately notify the discharger that the wastewater discharge permit has been revoked. Such immediate notice shall be followed by written notice. A discharger notified of the revocation of the discharger's permit shall immediately cease all discharges.

D. Failure to Comply. In the event the discharger fails to comply with the requirements contained in the Director's written notice, the Director shall have available all remedies provided by law to compel specific compliance with the Director's written notice.

E. Reinstatement of Permit. The Director may reinstate the wastewater discharge permit, and any discontinued services, upon finding that the conditions creating the threat as set forth above have been eliminated, and upon finding that reasonable steps have been taken to prevent a reoccurrence of the conditions that resulted in the threat. (Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27538 §13; passed Oct. 24, 2006: Ord. 25587 §17; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.190 Prohibited practices; termination of treatment services.

A. Prohibited Practices. A discharger shall not:

1. Fail to accurately report the wastewater constituents and characteristics of its discharge;
2. Fail to report known or reasonably anticipated changes in wastewater constituents or characteristics prior to the changed discharge;
3. Misrepresent or fail to fully disclose all relevant facts in the wastewater discharge permit application;
4. Falsify self-monitoring reports;
5. Tamper with monitoring equipment;
6. Refuse reasonable access to the discharger's premises by representatives of the Director for the purpose of inspection or monitoring; or
7. Violate the conditions of its permit, the provisions of this chapter, or any order of the Director with respect thereto.

B. Termination of Services. The Director may terminate wastewater or storm water services to any discharger who violates any of the provisions of TMC 12.08.190.A, or upon cessation of operations. Exercise of the termination option shall not be a bar to, or a prerequisite for, taking any other action against the discharger. All prior wastewater discharge permits issued to a particular discharger are void upon the issuance of a new wastewater discharge permit to that user.

C. Transfer of Ownership. A wastewater discharge permit is issued to a specific discharger, for a specific operation. All wastewater discharge permits shall be void upon transfer of business ownership. (Ord. 27538 §14; passed Oct. 24, 2006: Ord. 27003 §10; passed Nov. 19, 2002: Ord. 25587 §18; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.200 Enforcement procedures.

Whenever the Director finds that any person has violated the prohibitions in Chapter 12.08 TMC, including any state and federal regulations the City is authorized to enforce under Chapter 12.08 TMC, the Director shall respond with appropriate enforcement action in accordance with the policies and procedures contained in Tacoma's Enforcement Response Plan (ERP) for wastewater, or Tacoma's Stormwater Compliance Policy (SCP) for stormwater. Enforcement response may be taken against any person who shall at any time cause or contribute to the contamination or recontamination of any waterway and/or its remediated sediments or receiving water within Tacoma city limits. As stated in the ERP and SCP, enforcement remedies may include:

- A. Informal notices, meetings, or telephone calls;
- B. Warning letters;
- C. Notices of violation (NOV);
- D. Notices of violation with civil penalties;
- E. Notices of violation with corrective action orders with and without civil penalties;
- F. Notices of violation with corrective action order requiring a compliance schedule/engineering report in accordance with TMC 12.08.140.E.7;
- G. Stop work orders; and/or
- H. Emergency suspension/termination of service and/or criminal prosecution with penalties.

The choice of enforcement action and the severity of any penalty shall be based on, among other things, the nature of the violation including the amount of damage or risk to the public, or to public resources, the compliance history of the discharger, whether the discharger cooperated with the City by correcting or making good faith attempts to correct the violation, and whether the violation is a repeat violation. Nothing precludes the City from taking escalating forms of enforcement action. (Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27765 Ex. A; passed Dec. 9, 2008; Ord. 27538 § 15; passed Oct. 24, 2006; Ord. 27003 § 11; passed Nov. 19, 2002; Ord. 25802 § 8; passed Dec. 5, 1995; Ord. 25587 §19; passed Sept. 20, 1994)

12.08.210 Duty to reapply.

A. Duty to Reapply. The permittee shall re-apply for reissuance of a wastewater discharge permit 180 calendar days prior to the permit's expiration. Any permittee holding an unexpired permit may apply in writing for an extension of the permit, provided such application is made at least 180 calendar days prior to the permit's expiration. The Director may extend the permit upon finding that the interests of this chapter are best served by such extension.

B. Application Procedure. For a permit to be reissued, the applicant shall first file an application in writing, on a form furnished by the Director. The Director may require such additional information as deemed necessary to evaluate the applicant's conformance with applicable Federal, State, and local regulations. (Ord. 25587 §20; passed Sept. 20, 1994)

12.08.220 Operating upsets.

A. Operating Upsets. Any discharger that experiences an operating upset, as defined in TMC 12.08.010, which places the discharger in a temporary state of noncompliance with this chapter or with an applicable pretreatment standard shall inform the Director immediately upon first awareness of the upset. Where such notification is given orally, a written follow-up report shall be filed by the discharger with the Director within five calendar days. The report shall specify:

1. Description of the upset, the cause thereof and the upset's impact on the discharger's compliance status;
2. Duration of noncompliance, including exact dates and times of noncompliance, and if the noncompliance is expected to continue, the time by which compliance is reasonably expected to occur;
3. All steps taken or to be taken to reduce, eliminate and prevent recurrence of such an upset or other conditions of noncompliance. The steps

should include but not be limited to reducing and/or controlling production, providing alternate treatment or power supply if feasible, and temporary storage or off-site disposal.

B. Affirmative Defense to Enforcement Actions. An upset shall constitute an affirmative defense to an action brought for noncompliance with applicable pretreatment standards if the requirements of paragraph C are met.

C. Burden of Proof. A user who wishes to establish the affirmative defense of upset shall have the burden of proof. A user may so demonstrate through properly signed, contemporaneous operating logs, or other relevant evidence that:

1. An upset occurred, and the cause of the upset;
2. The facility was at the time being operated in a prudent manner, and in compliance with applicable operation and maintenance procedures; and
3. The user has submitted the information described in TMC 12.08.220.A in accordance with the provisions of that section. (Ord. 27538 § 16; passed Oct. 24, 2006: Ord. 25587 § 21; passed Sept. 20, 1994: Ord. 24879 § 11; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.230 Accidental discharges – Spills.

Each discharger shall provide protection from accidental discharges or spills of materials that are regulated by this chapter.

A. Where deemed necessary by the Director, an Accidental Spill Prevention Plan (ASPP) shall be prepared and implemented by the discharger within 90 days of such determination and shall, at a minimum, contain the following:

1. A description of discharge practices, including nonroutine batch discharges;
2. A description of stored chemicals and potential pollution-generating activities including, but not limited to, industrial processes and material handling;
3. Procedures for immediately notifying the Director of a discharge, including any discharge or spill that would violate a discharge prohibition under 40 CFR Part 403.5(b) and TMC 12.08.020 ;
4. Procedures to prevent adverse impact from accidental spills, including inspection and maintenance of storage areas, handling and transfer of materials, loading and unloading operations, control of plant site runoff, worker training, building of containment structures or equipment, measures for containing toxic organic pollutants (including solvents), and/or measures and equipment for emergency response.

B. Review of Plans. Operational and structural BMPs to prevent accidental discharge of prohibited materials to the Municipal Sewer System or receiving waters shall be provided and maintained at the discharger's cost and expense. For new development and redevelopment, detailed plans showing operational and structural BMPs procedures to provide this protection shall be submitted to the Director for review and shall be approved by the Director before construction of the facility. For existing facilities, each discharger, as requested, shall submit its plan to the Director. No discharger who discharges to the Municipal Sanitary Sewer System shall be permitted to introduce contaminants into the system until an Accidental Spill Prevention Plan (ASPP) has been approved by the Director. Review and approval of such plans and operating procedures shall not relieve the discharger from the responsibility to modify its BMPs, as necessary, to meet the requirements of this chapter.

C. Notification Procedures, Liability for Expense. Dischargers shall notify the Director immediately of any changes to a facility that could affect its potential for a slug load discharge, upon the occurrence of an excessive discharge or spill to the City's Municipal Sewer System "slug load," or accidental discharge of contaminants regulated by this chapter. The notification shall include location of discharge, date and time of the discharge, type of waste, concentration of contaminants, volume of discharge, and corrective actions taken. In addition to supplemental charges that may be imposed pursuant to TMC 12.08.610, any discharger who discharges prohibited materials, or who discharges regulated materials in excess of that allowed by this chapter, shall be liable for any expense incurred by the POTW caused by the discharge, including but not limited to:

1. Losses due to damage suffered by the POTW's physical facilities;
2. Any engineering, consultant, inspection, testing, or similar fees paid by the POTW and necessitated by the excessive or accidental discharge, or slug load;
3. All administrative costs incident to the excessive or accidental discharge, or slug load; and
4. Losses due to fines or monetary penalties imposed on the POTW by the state or federal government, attributable to the excessive or accidental discharge, or slug load.

D. Discharger Employee Notification. Signs shall be posted in conspicuous locations on the discharger's premises, advising employees who to call in the event of an excessive discharge, a slug load or accidental discharge. Employers shall instruct all employees who may cause or discover such a discharge with respect to emergency notification procedures.

E. Modification to Accidental Spill Prevention Plan. A permittee who has been required to prepare an Accidental Spill Prevention Plan (ASPP) shall review such ASPP whenever changes occur that could affect the ASPP, but in no event less frequently than annually. Any proposed modifications that are necessary for the ASPP to remain in compliance with the provisions of TMC 12.08.230 shall be submitted to the Director for approval. If the permittee finds that no modifications to the ASPP are necessary, then the discharger shall certify that the ASPP on file with the City is current and shall submit such

certification to the Director on January 15 of each year. (Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27538 § 17; passed Oct. 24, 2006: Ord. 25802 § 9; passed Dec. 5, 1995: Ord. 25587 § 22; passed Sept. 20, 1994: Ord. 24879 § 12; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.240 Records retention.

All dischargers subject to this chapter shall retain and preserve, at the permitted facility, for no less than three years any records, books, documents, memoranda, reports, correspondence, and any and all summaries thereof relating to monitoring, sampling, and chemical analyses made by or on behalf of a discharger in connection with its discharge or compliance with BMPs required by a permit issued under this chapter. All records which pertain to matters which are the subject of enforcement or litigation activities brought by the Director pursuant hereto shall be retained and preserved by the discharger until all enforcement activities have concluded and all periods of limitation with respect to any and all appeals have expired. The Director shall have the right to copy all records required to be kept by the discharger's permit(s) and/or this chapter. (Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 25587 § 23; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.300 Holding tank waste.

No person in the business of pumping wastes from septic or other holding tanks shall discharge the contents of any holding tank (including, without limitation, septic tank, cesspool or chemical toilet waste) into the Municipal Sanitary Sewer System unless that person has been properly licensed by the City of Tacoma Tax and License Division of the Finance Department and issued a current permit by the Tacoma-Pierce County Health Department. The discharger shall pay the applicable charges and fees and shall meet all other conditions as required by the City. An exception to this requirement is that no license or permit will be required in the case of discharge of domestic wastes from individual mobile home (camper, motor home, camping trailer, etc.) holding tanks; provided that such discharges are made into a City-approved facility designed to receive such wastes.

Only domestic wastewater shall be authorized to be discharged into the Municipal Sanitary Sewer System at the POTW. Any other waste, including but not limited to grease traps, oil/water separators, interceptors, or septic tanks comprising waste other than domestic wastewater, or any mixture thereof, shall not be discharged at the POTW, unless authorized by the Director.

Any mixture of hazardous or dangerous wastes, as defined by federal, state, or local laws and regulations, regardless of the quantity or ratio, in a holding tank is strictly prohibited from being discharged into the Municipal Sanitary Sewer System. (Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 25979 § 2; passed Nov. 19, 1996: Ord. 25587 § 24; passed Sept. 20, 1994: Ord. 24879 § 13; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.310 Designation of places and manner of discharge of holding tank contents.

Holding tank pumpers shall discharge waste material at the City's Treatment Plant No. 1, located at 2201 Portland Avenue, unless otherwise directed by the Director. Matter prohibited to be discharged into the Municipal Sanitary Sewer System by this chapter or by other applicable law or regulation shall not be permitted to be so discharged. (Ord. 25587 § 25; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.320 Discharge of holding tank contents – Charges – Report.

A charge shall be made for each truckload or container-load of holding tank waste material discharged at the wastewater treatment plant, and shall be payable to the City Treasurer and credited to the Wastewater Management Fund. This charge shall be based on the full-tank capacity of the vehicle. There shall be no pro-ratio of the charge due to a partial load of the vehicle tank. The charge shall be as follows:

Effective Date: February 14, 2011:

	From Within the City	From Outside the City
Septic Tank Wastes (Holding, Cesspool, etc.) and Chemical Toilet Wastes	\$14.33/100 gal.	\$15.77/100 gal.

Effective Date: January 1, 2012:

	From Within the City	From Outside the City
Septic Tank Wastes (Holding, Cesspool, etc.) and Chemical Toilet Wastes	\$14.92/100 gal.	\$16.42/100 gal.

Prior to the discharge of any material from holding tanks, a written report shall be submitted to the Wastewater Operations Management Division administrative office at 2201 Portland Avenue, Tacoma, WA, 98421. The report shall be made on forms provided by the City, and all pertinent information required for charges shall be completed. Incomplete or inaccurate reports will result in the application of the highest chargeable rate. (Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27968 Ex. A; passed Feb. 1, 2011: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27554 § 1; passed Dec. 5, 2006: Ord. 27285 § 7;

passed Nov. 2, 2004: Ord. 27003 § 12; passed Nov. 19, 2002: Ord. 26888 § 2; passed Dec. 4, 2001: Ord. 26729 § 3; passed Nov. 7, 2000: Ord. 26526 § 1; passed Nov. 30, 1999: Ord. 26338 § 1; passed Dec. 8, 1998: Ord. 25802 § 10; passed Dec. 5, 1995: Ord. 25659 § 1; passed Jan. 24, 1995: Ord. 25587 § 26; passed Sept. 20, 1994: Ord. 25521 § 1; passed Jun. 7, 1994: Ord. 24879 § 14; passed May 21, 1991: Ord. 24307 § 2; passed Mar. 7, 1989: Ord. 24049 § 2; passed Mar. 9, 1988: Ord. 23793 § 1; passed Mar. 3, 1987: Ord. 23574 § 1; passed Mar. 4, 1986: Ord. 23309 § 1; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.330 Sanitary sewage from outside the City.

Sanitary sewage from premises outside the City may be discharged into sanitary sewers only after a permit has been issued by the Director. The permit shall be in the nature of a license, shall not constitute a property right in the holder, and shall be subject to termination at any time at the direction of the Director. (Ord. 24879 § 15; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.340 Charges and rates for direct wastewater services for properties outside the City.

Persons owning premises outside the City may, upon a written request from the appropriate governing agency and receipt of a side sewer construction permit from the Director, discharge sanitary sewage into sanitary sewers.

Such a permit shall be issued only upon the written application of the owner of the premises and subject to the following terms and conditions:

A. The applicant for any such permit shall attach to the application a construction permit duly issued to the owner or to that owner's contractor by the appropriate county and/or political subdivision for the construction of a side sewer.

B. The owner or that owner's licensed contractor shall pay fees and obtain a permit for a side sewer in strict compliance with the specifications of the City governing the construction and maintenance of side sewers then in effect.

C. The owner shall agree to pay a monthly service charge for wastewater service in an amount computed at 110 percent of the charge to similar customers of the City, as set forth and established pursuant to this chapter as now or hereafter amended.

In addition, whenever the governing jurisdiction of these customers outside the City determine that a utility tax or other fee of that jurisdiction should be collected from those customers, the City shall increase the charge to those customers to cover that added tax and/or fee and/or related administrative expenses and rebate the applicable tax and/or fee to that outside jurisdiction in a manner to be determined by the City.

Where the Director determines that the cost to provide wastewater service to a customer or a group of customers is abnormally higher than the cost to provide regular wastewater service to City customers, due to unusual circumstances, the Director may establish a surcharge based upon that incremental higher cost. The Director will notify affected customers prior to implementing the surcharge.

D. The owner of the premises to be served by a sanitary sewer shall pay in cash to the City, through the Public Works Department, a Connection Charge-in-lieu-of-Assessment, computed at the rate of \$55.00 per "Assessable Unit of Frontage" for the premises to be served. This special charge shall be computed in the same manner as sanitary sewer assessments are from time to time computed by the City under Chapter 35.44 RCW relating to local improvement districts. The cost of side sewer construction shall be borne by the owner of the premises.

E. The Connection Charge-in-lieu-of-Assessment shall apply to and be credited to the benefit of a specific parcel of real property which shall be designated by legal description and shall be posted by the City to appropriate records or ledgers and made a part of the City's permanent records pertaining thereto. No further Connection Charge-in-lieu-of-Assessment shall be collected against said premises.

F. Future service connections to premises abutting the sanitary sewer main on which a Connection Charge-in-lieu-of-Assessment has not been paid but which adjoins specific premises for which such charges have been charged or paid, shall be subject to the charges as hereinabove set forth as now or hereafter amended.

G. All Connection Charges-in-lieu-of-Assessment received pursuant to the provisions of this section are nonrefundable and shall be considered capital contributions to the Municipal Sewer System and deposited into the Sewer Utility Fund.

H. All ordinances, rules, regulations, and procedures relating to the use, maintenance, and connection to sanitary sewers, as the same are now or may hereafter be adopted by the City, shall apply with equal force to each such sanitary sewer connection and any violation of any such ordinance, rule, regulation, or procedure by the owner of any premises connected to a sanitary sewer may result in the disconnecting of said sewer by the City.

I. The owner of any premises connecting to the sanitary sewers pursuant to the provisions hereof shall permit an inspection of that owner's premises at any and all reasonable times by the City for the purpose of ascertaining whether or not said

connection has been properly made and whether or not the use of such sanitary sewers is in accordance with the ordinances, rules, and regulations of the City pertaining thereto.

J. In the event of a change in ownership, or if the premises are rented, the owner or renter shall be invoiced and pay per subsection C of this section. The failure or refusal to make any such payment when due may result in the disconnecting of the sewer by the City. (Ord. 27538 § 18; passed Oct. 24, 2006: Ord. 26888 § 3; passed Dec. 4, 2001: Ord. 26729 § 4; passed Nov. 7, 2000: Ord. 25587 § 27; passed Sept. 20, 1994: Ord. 24962 § 1; passed Aug. 13, 1991: Ord. 24879 § 16; passed May 21, 1991: Ord. 24132 § 1; passed Jul. 12, 1988: Ord. 23309 § 2; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.350 Connection Charge-in-lieu-of-Assessment.

Owners of premises within the City adjacent to and abutting upon the sanitary sewer system and which premises have not been previously assessed under a Local Improvement District ("LID") under this chapter, or under former TMC 12.08 for a sanitary sewer improvement, may connect those premises to and discharge sewage into the sanitary sewers upon receipt of a permit issued by the Director.

Such permit shall be issued only upon written application to the Director by the owner of the premises to be served and subject to the following terms and conditions:

A. The owner shall obtain all permits and pay all fees necessary and required by the City and shall construct said connecting sewers in compliance with all requirements and specifications of the City governing the same.

B. Except as provided in paragraph E of this section, the owner, prior to the issuance of any permit herein authorized, shall pay in cash to the City a Connection Charge-in-lieu-of-Assessment. This charge shall be computed at the guaranteed rate per "Assessable Unit of Frontage" in effect at the time of construction of the sanitary sewer line to be used to serve the premises of such owners, unless as otherwise provided below. The rate for computation of such Connection Charge-in-lieu-of-Assessment shall be determined as of the date of completion of construction of the particular sanitary sewer line to be so used, as reflected by the rates shown below in Table I.

Construction Date	Rate Per A.U.F.	
	Two Side Service	One Side Service
Prior to September 30, 1957	\$3.25	\$3.25
October 1, 1957 to September 20, 1960	\$3.25	\$4.75
September 21, 1960 to January 15, 1963	\$3.75	\$4.75
January 16, 1963 to November 19, 1968	\$4.50	\$5.50
November 20, 1968 to July 17, 1973	\$5.75	\$9.00
July 18, 1973 to April 8, 1975	\$7.50	\$11.00
April 9, 1975 to December 5, 1978	\$15.50	\$23.00
December 6, 1978 to December 31, 1982	\$20.00	\$38.00
January 1, 1983 to June 2, 1991	\$24.50	\$46.50
June 3, 1991 to June 30, 1994	\$30.00	\$60.00
July 1, 1994 to December 31, 1998	\$40.00	\$80.00
January 1, 1999 to May 31, 2011	\$50.00	\$100.00
June 1, 2011 and thereafter	\$75.00	\$150.00

In no case shall the Connection Charge-in-lieu-of-Assessment be less than the rate per "Assessable Unit of Frontage" charged to the original LID participants; therefore, in the event that the rate per "Assessable Unit of Frontage" charged to the original LID participants was higher than the rate set forth in this table, the Connection Charge-in-lieu-of-Assessment shall be equal to the higher rate.

In addition to the "Assessable Unit of Frontage" charge calculated according to Table I above, for each connection to the sanitary sewers there shall be charged by the City a flat-rate charge of \$1,250.

However, in no case shall the total charge for the connection exceed the charge that would result from using the prevailing guaranteed maximum rate in effect at the time of the connection, unless as otherwise provided below.

For connections to any sanitary sewer line built with City funds instead of by LID, and constructed after January 1, 1999, the Connection Charge-in-lieu-of-Assessment for each abutting premises shall be the proportionate share of the actual cost to construct the sanitary sewer line. The proportionate share shall be the ratio of each premises' "Assessable Units of Frontage" to the total units of frontage, multiplied by the actual cost to construct the sanitary sewer line, plus any costs for side sewers. Actual cost to construct the sanitary sewer line shall be defined as the final applicable construction cost plus a 15 percent allowance for engineering, survey, inspection, and administration. In no case shall the connection charge exceed the benefit

accruing to each premise. If the charge that would result from using the prevailing guaranteed maximum rate exceeds the proportionate share, the flat-rate charge of \$1,250 shall be added to the proportionate share.

The calculation shall use the actual rate charged to the LID participants or the prevailing guaranteed maximum rate in effect at the time of construction, whichever is highest, unless the sewer was built with City funds after January 1, 1999. If the sewer was built with City funds after January 1, 1999, the calculation shall use the prevailing guaranteed maximum rate in effect at the time of connection or the final applicable construction cost plus 15 percent, whichever is highest.

If a sanitary sewer main is extended to be adjacent to or abutting the subject premises, the adjacent or abutting premises, which are identified on the City's Request for Release as having contributed to the costs of the design and construction of the sanitary sewer main, shall be connected to such sanitary sewer main at no additional connection charge, as set forth in subsection C below; provided the owner/developer has submitted "As-Built" drawings to the City depicting the connection and has also executed the City's Certificate of Release.

It is the intent of the City that all premises shall pay their fair share of the cost of construction of abutting and adjacent sanitary sewers. The owner of any premises which connects to an existing sanitary sewer without payment of the applicable charges, hereinabove described, owes and shall be required to pay such charges.

The "Assessable Units of Frontage" and the amount to be paid thereon at the rate hereinabove specified shall be computed in the same manner as the procedure set forth for LIDs under chapter 35.44 RCW. In addition to the connection charge hereinabove provided for, the total cost of the construction of all sewers so connected shall be borne by the owner of the premises.

C. The Connection Charge-in-lieu-of-Assessment hereinabove provided for shall be credited to and considered as a benefit to the specific premises served by said connection. Said premises so benefited shall be designated by legal description and posted by the City and recorded as a part of the City's permanent records pertaining thereto. No further sanitary sewer connection charge shall be collected against said premises.

D. Future sanitary sewer connections to premises abutting the sanitary sewer main on which a sanitary sewer connection charge has not been paid, but which adjoins specific premises for which such charges have been charged or paid, shall be subject to the charges as hereinabove set forth.

E. Septic System Amnesty Program.

1. For residential premises where wastewater service is available, and where the residence is not connected to the sanitary sewer main, a financial incentive, as set forth below, will be offered to encourage the owner to connect to the sanitary sewer main. Effective January 1, 2010, the financial incentive will be offered to owners of commercial premises under the same terms and conditions applicable to residential premises.

a. Where the Connection Charge-in-lieu-of Assessment is applicable, a financial incentive, consisting of a 50 percent reduction in the charge (incentive program) for the subject premises will be available, subject to the availability of funds, as described below, and in accordance with policies set forth by the Director. The remaining 50 percent of that charge may be eligible for financial assistance under the Conservation Loan Program, as set forth in TMC 12.08.640. The City will allocate up to \$500,000 per fiscal year to fund the incentive program. Owners of premises who qualify for the incentive program will be eligible for a 50 percent reduction in their connection charge on a "first-come, first-served" basis until the moneys allocated by the City for the incentive program in a given fiscal year are exhausted.

b. Where an LID was/is formed, the financial incentive will consist of a 50 percent reduction to that assessment for the subject premises in accordance with policies set forth by the Director, subject to the availability of funds, as stated in subsection E. a. above. In the case where all or a part of the assessment has been paid, the appropriate reduction or rebate will be made so that the final cost for the subject premises will be 50 percent of the full assessment amount.

2. The financial incentive program is not available to new premises that are constructed after wastewater service is available to that property. Owners not electing to take advantage of this limited program will be subject to the regular charges such as those specified in subsection B above.

F. All Connection Charges-in-lieu-of-Assessment received pursuant to the provisions of this section are nonrefundable and shall be considered capital contributions to the Municipal Sewer System and deposited into the Wastewater Management Fund.

G. All ordinances, rules, regulations, and procedures relating to the use, maintenance, and connection to sanitary sewers as the same are now or may hereafter be adopted by the City shall apply with equal force to each such sanitary sewer connection and any violation of any such ordinance, rule, regulation, or procedure by the owner of any premises connected to a sanitary sewer may result in the disconnecting of said sewer by the City. (Ord. 27978 Ex. A; passed Apr. 26, 2011: Ord. 27881 Ex. A; passed Mar. 30, 2010: Ord. 27538 § 19; passed Oct. 24, 2006: Ord. 27503 § 1; passed Jun. 27, 2006: Ord. 27285 § 8; passed Nov. 2,

2004: Ord. 26729 § 5; passed Nov. 7, 2000: Ord. 26338 § 2; passed Dec. 8, 1998: Ord. 25521 § 2; passed Jun. 7, 1994: Ord. 24879 § 17; passed May 21, 1991: Ord. 23968 § 1; passed Nov. 3, 1987: Ord. 23309 § 3; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.360 Charges and rates for wastewater service inside the City limits.

As permitted by Chapter 35.67 RCW, charges shall be made for the discharge and for the availability for discharge of all sanitary sewage into sanitary sewers. If the Director requires construction of an extension to the sanitary sewer system prior to issuance of a side sewer permit, the charge for availability for discharge shall not be made until such time as the sanitary sewer extension is completed. Unless otherwise determined by the Director, no allowances will be made for vacancies, remodeling, or other such activities unless the water service for the entire facility, building, or mobile home court (two or more units) is turned off by the Water Utility of the City. Charges shall be as follows:

A. Each single-family residence (including those instances where more than one family residence is served through one water meter, as hereinbefore mentioned in TMC 12.08.010) shall be charged a monthly charge computed as follows:

Effective Date: February 14, 2011:

- (1) A fixed charge of \$17.81 plus
- (2) A flow charge calculated at \$3.32 per hundred cubic feet (ccf) of water consumption.

Effective Date: January 1, 2012:

- (1) A fixed charge of \$18.65 plus
- (2) A flow charge calculated at \$3.47 per hundred cubic feet (ccf) of water consumption.

The water consumption for the flow charge shall be the average monthly use as measured during the most recent months of December, January, February, and March. If the average consumption results in a fractional part of a ccf, the number used for calculating the flow charge shall be rounded to the nearest one-hundredth of a ccf.

B. Multiple-family residences and mobile home courts (two or more units) served through one water meter shall pay a monthly charge per living unit as above, except that the water consumed during the winter months shall be divided by the total number of living units served by the account to determine the per living unit flow volume. If the average consumption per unit results in a fraction, the number used for calculating the flow charge shall be billed to the nearest one-hundredth of a ccf.

It shall be the duty of every person in possession, charge, or control of the entire premises consisting of two or more units, served by the sanitary sewer system, or to which such service is available, to be accountable for payment of each unit.

Where units in multiple-unit residences are separately metered; each unit shall be charged the appropriate single-family residence rate as set forth in subsection A of this section.

C. In all cases other than residential charges hereinabove set forth, the sewer charge shall be computed and paid as follows:

1. Metered Water Supply. When charges and fees are based upon the water usage, such charges and fees shall be applied against the total amount of water used from all sources unless, in the opinion of the Director, significant portions of water received are not discharged to a sanitary sewer. The total amount of water used from public and private sources will be determined by means of public meters or private meters, installed and maintained at the expense of the user in accordance with the Environmental Services Submeter Installation and Testing Guidelines. Such public or private meters shall measure flow in cubic feet (cf). Where more than one commercial/industrial facility is served by one water meter, the user group shall be determined by the activities of the largest water consumption user.

2. Metered Wastewater Volume and Metered Diversions. When charges and fees are based upon water usage and where, in the opinion of the Director, a significant portion of the water received from any metered source does not flow into the sanitary sewer because of the principal activity of the user or removal by other means, the charges and fees will be applied against the volume of water discharged from such premises into the sanitary sewer. Any user seeking a reduction in sewer charges and fees based on a diversion of metered water from the sanitary sewer system shall provide the Director written proof of such diversion for the Director's approval. To establish reduced sewer charges and fees based on such diversion, the user shall, unless clearly demonstrated as impractical, install a submeter of a type and at a location approved by the Director and at the user's expense. A credit adjustment for sanitary sewer overcharges may be granted, upon written application by the user, but only for the three-month period immediately preceding the submeter installation.

Such meters shall measure flow in cubic feet (cf) and shall be maintained at the expense of the user and be tested for accuracy at the expense of the user in accordance with the Environmental Services Submeter Installation and Testing Guidelines. Within 30 days of notification by the Director that meter repair or testing is required, the user shall provide written

confirmation that such repair or testing has been accomplished. Failure to provide such confirmation may result in sanitary sewer charges being based upon the metered water source.

3. Users Installing Irrigation Systems. All users installing irrigation systems shall be required to meter the water usage of the irrigation system by installing, at user's expense, either a metered water supply dedicated solely to the irrigation system or a submeter, which the user shall maintain, to calculate the appropriate reduction of sewer charges.

4. Estimated Wastewater Volume.

a. Users Without Source Meters. In cases where, in the opinion of the Director, it is unnecessary or impractical to install meters, the charges and fees may be based upon an estimate of the volume to be discharged, prepared by the Director. A rational method will be used to estimate the quantity of wastewater discharged and may consider such factors as the number of fixtures, seating capacity, population equivalent, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

b. Users With Source Meters. In cases where, in the opinion of the Director, users divert a significant portion of their flow from a public sewer, the charges and fees may be based upon an estimate of the flow and volume to be discharged, prepared by the user and approved by the Director. The estimate must include the method and calculations used to determine the wastewater volume and may consider such factors as the number of fixtures, seating capacity, population equivalents, annual production of goods and services, or such other determinations of water use necessary to estimate the wastewater volume discharged.

c. Where the Director determines that the cost to provide sanitary sewer service to a customer or a group of customers is abnormally higher than the cost to provide regular sanitary sewer service to City customers, due to unusual circumstances, the Director may establish a surcharge based upon that incremental higher cost. The Director will notify affected customers prior to implementing the surcharge.

d. Residential customers who qualify as low-income senior or low-income disabled under TMC 12.06.165 B shall be eligible for a 30 percent reduction from the regular sanitary sewer charges. The determination of low income senior and low income disabled status shall be made as set forth in TMC 12.06.165 B. Individuals must submit an application documenting such determination for review and acceptance by the Director to qualify for this reduction. The effective date for the rate reduction shall be the first day of the billing period in which the Director's acceptance is granted. (Ord. 27968 Ex. A; passed Feb. 1, 2011: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27649 Ex. A; passed Oct. 23, 2007: Ord. 27554 § 2; passed Dec. 5, 2006: Ord. 27538 § 20; passed Oct. 24, 2006: Ord. 27285 § 9; passed Nov. 2, 2004: Ord. 27138 § 1; passed Sep. 9, 2003: Ord. 27003 § 13; passed Nov. 19, 2002: Ord. 26888 § 4; passed Dec. 4, 2001: Ord. 26729 § 6; passed Nov. 7, 2000: Ord. 26526 § 2; passed Nov. 30, 1999: Ord. 26338 § 3; passed Dec. 8, 1998: Ord. 25979 § 3; passed Nov. 19, 1996: Ord. 25802 § 11; passed Dec. 5, 1995: Ord. 25659 § 2; passed Jan. 24, 1995: Ord. 25587 § 28; passed Sept. 20, 1994: Ord. 25521 § 3; passed Jun. 7, 1994: Ord. 25317 § 2; passed Jun. 8, 1993: Ord. 24962 § 2; passed Aug. 13, 1991: Ord. 24879 § 18; passed May 21, 1991: Ord. 24307 § 3; passed Mar. 7, 1989: Ord. 24049 § 3; passed Mar. 29, 1988: Ord. 23793 § 2; passed Mar. 3, 1987: Ord. 23574 § 2; passed Mar. 4, 1986: Ord. 23309 § 4; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.362 Charges for fixed-term discharges to the sanitary sewer of effluent from groundwater pump-and-treat systems.

The Director may, at his/her discretion, approve discharges to the sanitary sewer of effluent from groundwater pump-and-treat systems for a specified fixed term. The intent of this section is to provide reasonable discharge locations for this type of effluent to encourage prompt cleanup of contaminated groundwater and is limited to sites regulated by the Department of Ecology and/or the Environmental Protection Agency.

All applicable sections of TMC 12.08, except as otherwise provided herein, shall apply to such discharges.

The requirements of TMC 12.08.140 , (Industrial Wastewater Discharge Permits), shall be met prior to any such discharge.

Charges for such discharges shall be as prescribed in TMC 12.08.390 of this chapter, with the additional provision that dischargers may make application to the Director for a credit on only the flow component of their sewer charges for effluent from groundwater pump-and-treat systems. The following criteria shall be used in preparing and reviewing such an application:

A. The discharger must document to the Director's satisfaction a reduction of surface water runoff that was discharged to the sanitary sewer from the same site or from another site owned by the discharger within the City limits.

B. To quantify such flow reduction, the peak runoff from a two-year, 24-hour design storm event shall be used.

C. Any such flow reduction must have occurred within five years of the date of application for the discharge of the groundwater pump-and-treat effluent.

D. Any such quantity of flow reduction approved by the Director shall be subtracted from the actual groundwater pump-and-treat flow and the discharger shall be charged the applicable rate for any remaining flow.

E. No credit is allowed under this section for the components of the sewer charge related to constituent strengths and characteristics other than flow. (Ord. 27538 § 21; passed Oct. 24, 2006; Ord. 25802 § 12; passed Dec. 5, 1995; Ord. 25659 § 3; passed Jan. 24, 1995)

12.08.365 Charges for special approved discharges.

A. Discharge to Sanitary Sewer System.

1. The Director may, at his or her discretion, approve discharges to the sanitary sewer system generally for a short-term duration as needed. Application for discharge approval must be accompanied by payment of any fixed administration/application fee(s) and be submitted at least 30 days prior to the requested discharge date.

2. Unless otherwise determined by the Director, the charge for short-term discharges to the sanitary sewer system shall be based on the quantity and strength of the wastewater discharged, according to the rate specified in TMC 12.08.390 of this chapter, in addition to the following fixed administration fee:

Effective Date: February 5, 1995: Fixed Fee

Under 5,000 gallons	\$200.00
Between 5,000 and 20,000 gallons	\$400.00
Over 20,000 gallons	\$650.00

3. As determined by the Director, representative samples may be required to be taken for suspended solids (SS) and biochemical oxygen demand (BOD). Sampling may also be required for total petroleum hydrocarbons (TPH) and any other pollutants suspected to be present in the wastewater. Additional samples may be required at the Director's discretion.

B. Discharge to Storm Drainage System.

1. The Director may, at his or her discretion, approve discharges to the storm drainage system under TMC 12.08.080, as necessary. Application for discharge approval must be accompanied by payment of any fixed administrative/application fee(s) and be submitted at least 30 days prior to the requested discharge date.

2. The Director, or his or her representative, may require that samples be taken of the proposed discharge to insure compliance with federal, state, and local water quality requirements. Samples will be analyzed based on known and/or suspected pollutants at the site or in the proposed discharge. Sampling and analysis must be completed and reviewed by City staff prior to any discharge to the City's storm drainage system. The Director, or his or her representative, may require additional sampling throughout the duration of the discharge to insure compliance with the above-referenced requirements.

3. Unless otherwise determined by the Director, the charge for discharges of non stormwater to the surface water system under TMC 12.08.080 hereof shall be as set forth herein. This charge will consist of three parts:

Effective Date: January 1, 1997:

- a. An application fee of \$500 per discharge location payable at the time of application of discharge; and
- b. An annual administration fee of \$300 payable no later than January 30 of the year following initiation of discharge and no later than January 30 of each year thereafter if the discharge continues to occur; and
- c. A quantity fee:

Effective Date: February 14, 2011:

\$0.0021032 per gallon discharged.

Effective Date: January 1, 2012:

\$0.0022434 per gallon discharged.

Payments shall be made in a manner and at the frequency determined by the Director. (Ord. 27968 Ex. A; passed Feb. 1, 2011; Ord. 27765 Ex. A; passed Dec. 9, 2008; Ord. 27554 § 3; passed Dec. 5, 2006; Ord. 27538 § 22; passed Oct. 24, 2006; Ord. 27285 § 10; passed Nov. 2, 2004; Ord. 27003 § 14; passed Nov. 19, 2002; Ord. 26729 § 7; passed Nov. 7, 2000; Ord. 26526 § 3; passed Nov. 30, 1999; Ord. 26338 § 4; passed Dec. 8, 1998; Ord. 25979 § 4; passed Nov. 19, 1996;

Ord. 25802 § 13; passed Dec. 5, 1995: Ord. 25659 § 4; passed Jan. 24, 1995: Ord. 25587 § 29; passed Sept. 20, 1994: Ord. 25317 § 3; passed Jun. 8, 1993: Ord. 24879 § 19; passed May 21, 1991)

12.08.368 Charges for TAGRO.

TAGRO products are materials manufactured at least partly from biosolids from the City's wastewater treatment plants. The City currently manufactures five TAGRO products: TAGRO Cake, TAGRO Liquid, TAGRO Mix, TAGRO Potting Soil, and TAGRO Mulch. If the City manufactures additional TAGRO products, they will be priced in accordance with the provisions of this section.

Definition: A Residential Ratepayer is a private citizen who lives in a private residence within the City limits of Tacoma and has a City of Tacoma wastewater utility account in his or her name.

Private citizens may self-load TAGRO Mix in small containers (i.e., buckets and garbage cans), pickup trucks, and small utility trailers (less than two cubic yards) at no cost, as material is available.

The City may offer TAGRO services and products not covered by this section. TAGRO services may include, but not be limited to, land application of TAGRO products and/or hauling and processing of sludge and biosolids. The Director is authorized to set charges for TAGRO services and is authorized to establish prices for TAGRO products. Any such charges, prices, or adjustments will be established in writing by the Director. (Ord. 27285 § 11; passed Nov. 2, 2004: Ord. 27095 § 1; passed Jun. 10, 2003: Ord. 26888 § 5; passed Dec. 4, 2001: Ord. 26729 § 8; passed Nov. 7, 2000: Ord. 26338 § 5; passed Dec. 8, 1998: Ord. 25802 § 14; passed Dec. 5, 1995: Ord. 25659 § 5; passed Jan. 24, 1995: Ord. 25317 § 4; passed Jun. 8, 1993)

12.08.370 Classification of users of sanitary sewers.

All users are to be classified by the City either by assigning each one to a "user classification" category according to the principal activity conducted on the user's premises, by individual user analysis, or by a combination thereof. The purpose of such collective and/or individual classification is to facilitate the regulation of sanitary sewage or wastewater discharges based on sanitary sewage or wastewater constituents and characteristics to provide an effective means of source control, and to establish a system of charges and fees which will ensure an equitable recovery of the City's cost. (Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.380 Types of Charges and Fees Relating to Use of Sanitary Sewers.

The charges and fees as established in the City's schedule of charges and fees relating to use of sanitary sewers may include, but shall not be limited to:

- A. User classification charges;
- B. Fees for monitoring;
- C. Appeal fees;
- D. Charges and fees based on wastewater constituents and characteristics.

The Director is authorized to establish a pilot rate program to determine the suitability of alternative rate classifications in providing equitable recovery of the City's costs of owning, operating, and maintaining the wastewater treatment system. As part of such pilot rate program, the Director may establish test rate classifications and set rates for each such test rate classification. The pilot rate program and test rate classifications established therein shall be designed to increase the equitable distribution among the users of the City's costs for sewer operation and maintenance and shall be in the best interest of the rate payers. The rates set for each classification shall be fair and reasonable and each test rate classification created shall be based upon reasonable differences between users as grounds for distinction. The maximum rate set for each test rate classification shall be no higher than the rate that would ordinarily apply to each commercial/industrial user under TMC 12.08.400. The pilot rate program, together with the rate classifications and rates established thereto, is intended to be for a limited duration not to exceed two years. (Ord. 27372 § 1; passed Jun. 21, 2005: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.390 Basis for determination of commercial/industrial charges for use of wastewater system.

Charges and fees for use of the wastewater system shall be based upon a minimum basic rate for each premises not discharging industrial or commercial process wastewaters, computed on the basis of wastewater from a domestic premises with the following characteristics:

BOD - 200 milligrams per liter

Suspended Solids - 225 milligrams per liter

Charges and fees established for the users listed in Section 12.08.400, Table II, are based on the measured or estimated constituent strengths and characteristics of the sanitary sewage and industrial wastewater discharge of that user group which may include, but not be limited to, BOD, suspended solids, and flow.

Composite rates per 100 cubic feet (ccf) for existing and new users are/will be developed using the following constituent concentration rates.

Effective Date: February 14, 2011:

Flow	\$2.9104
Biochemical oxygen demand (BOD)	\$0.00470613 per mg/l
Suspended solids	\$0.00475370 per mg/l

Effective Date: January 1, 2012:

Flow	\$3.0397
Biochemical oxygen demand (BOD)	\$0.00489378 per mg/l
Suspended solids	\$0.00495166 per mg/l

(Ord. 27968 Ex. A; passed Feb. 1, 2011: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27554 § 4; passed Dec. 5, 2006: Ord. 27285 § 12; passed Nov. 2, 2002: Ord. 27003 § 15; passed Nov. 19, 2002: Ord. 26888 § 6; passed Dec. 4, 2001: Ord. 26729 § 9; passed Nov. 7, 2000: Ord. 26526 § 4; passed Nov. 30, 1999: Ord. 26338 § 6; passed Dec. 8, 1998: Ord. 25979 § 5; passed Nov. 19, 1996: Ord. 25802 § 15; passed Dec. 5, 1995: Ord. 25659 § 6; passed Jan. 24, 1995: Ord. 25587 § 30; passed Sept. 20, 1994: Ord. 25521 § 4; passed Jun. 7, 1994: Ord. 24879 § 20; passed May 21, 1991: Ord. 24307 § 4; passed Mar. 7, 1989: Ord. 24049 § 4; passed Mar. 29, 1988: Ord. 23793 § 3; passed Mar. 3, 1987: Ord. 23574 § 3; passed Mar. 4, 1986: Ord. 23309 § 5; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.400 Charge for Commercial/Industrial Wastewater User Groups.

The fixed charge for each commercial or industrial user of wastewater system shall be as follows:

Effective Date: February 14, 2011:

\$8.17 per calendar month

Effective Date: January 1, 2012:

\$8.63 per calendar month

In addition, each monitored commercial and/or industrial user shall pay the appropriate charge based upon the monitoring result. Except for test rate classifications established by the Director pursuant to TMC 12.08.380, each unmonitored commercial or industrial user placed in a user group shall pay the appropriate flow rate per 100 cubic (ccf) as identified in Table II. All restaurants are initially in the Category 8 (Restaurant II) group. Any restaurant customer may petition the Director to be placed in the Category 6 (Restaurant I) group. The customer must provide the Director with documentation that the restaurant has an approved grease retention device to current Uniform Plumbing Code as adopted in Chapter 2.06 of the Tacoma Municipal Code, and as amended thereafter, and Department Guidelines, and that the customer has an adequate ongoing maintenance program in place for that device. If the Director concurs, the Director will place that restaurant in the Category 6 (Restaurant I) group as long as those conditions are continually met. In the event that those conditions are not continually met, the Director will place the restaurant back into the Category 8 (Restaurant II) group until the conditions are again met.

If, as a result of a rate increase due to an ordinance change, any specific account of a direct commercial and/or industrial customer would receive an increase in wastewater charges that meet the following criteria, that customer will be eligible to receive a one-time rate mitigation credit:

- A. The percentage increase for that specific account is more than twice the City-wide average increase; and
- B. The percentage increase for that specific account is more than 10 percent; and
- C. The dollar increase as a result of the rate increase for that specific account is more than \$1,000 for the 12 months following implementation of that rate increase.

The credit shall apply to the first 12 months of implementation of the ordinance change and be equal to 50 percent of the increased charges that exceed the first \$1,000 increase for that 12-month period. The credit does not apply to any subsequent year's charges due to the same individual City-wide rate increase. The manner and method of applying the credit shall be determined by the Director.

Table II Rates for Commercial and/or Industrial User Groups Effective Date: February 14, 2011		
NAICS No.	Group Category	Monthly Rate (\$/ccf)
	Category 8 (BOD 901 + mg/l)	\$10.2334
722110	Restaurants (Cat II)	
722410	Taverns – Food Preparation (Cat II)	
713950	Bowling Alleys – With Food Preparation (Cat II)	
	Category 7 (BOD 701-900 mg/l) (SS 700 mg/l)	\$10.0029
445110	Grocery Stores – Full Service	
812210	Funeral Services – With Embalming	
	Category 6 (BOD 701-900 mg/l) (SS 400 mg/l)	\$8.5768
311811	Bakery Stores On Site Baking	
722110	Restaurants (Cat I)	
722410	Taverns – Food Preparation (Cat I)	
713950	Bowling Alleys – With Restaurant (Cat I)	
	Category 5 (BOD 501-700 mg/l)	\$7.6356
812320	Commercial Laundries	
311812	Bakeries (Manufacturers)	
	Category 4 (BOD 301-500 mg/l) (SS 450 mg/l)	\$7.4026
721110	Hotels and Motels – With Restaurant	
922140	Correctional Institutions	
	Category 3 (BOD 301-500 mg/l) (SS 0-400)	\$6.2190
311711	Canned and Cured Fish	
311712	Fresh or Frozen Fish	
445110	Grocery Stores – Others	
713950	Bowling Alleys – No Restaurant	
	Category 2 (BOD 200-300 mg/l) (SS 150-400 mg/l)	\$4.9212
721110	Hotels and Motels – No Restaurant	
622110	Hospitals	
441110	Auto Dealers	
811121	Top and Body Repair Shops	
811121	Repair and Paint Shops	
811111	Auto Repair Shops	
324122	Asphalt Felts and Coating	
	Domestic Strength	
	Category 1 (BOD 0-250) (SS 0-150)	\$4.5647
623110	Nursing Homes	
812921	Photo Finish Laboratories	
722410	Taverns – No Food Preparation	
323119	Commercial Printers	
323116	Business Form Printers	
812310	Laundromats	
541921	Photo Studios	
811192	Car Washes	
327410	Lime Manufacturers	

Table II Rates for Commercial and/or Industrial User Groups Effective Date: January 1, 2012		
NAICS No.	Group Category	Monthly Rate (\$/ccf)
	Category 8 (BOD 901 + mg/l)	\$10.6598
722110	Restaurants (Cat II)	
722410	Taverns – Food Preparation (Cat II)	
713950	Bowling Alleys – With Food Preparation (Cat II)	
	Category 7 (BOD 701-900 mg/l) (SS 700 mg/l)	\$10.4209
445110	Grocery Stores – Full Service	
812210	Funeral Services – With Embalming	
	Category 6 (BOD 701-900 mg/l) (SS 400 mg/l)	\$8.9354
311811	Bakery Stores – On Site Baking	
722110	Restaurants (Cat I)	
722410	Taverns – Food Preparation (Cat I)	
713950	Bowling Alleys – With Restaurant (Cat I)	
	Category 5 (BOD 501-700 mg/l)	\$7.9566
812320	Commercial Laundries	
311812	Bakeries (Manufacturers)	
	Category 4 (BOD 301-500 mg/l) (SS 450 mg/l)	\$7.7148
721110	Hotels and Motels – With Restaurant	
922140	Correctional Institutions	
	Category 3 (BOD 301-500 mg/l) (SS 0-400 mg/l)	\$6.4827
311711	Canned and Cured Fish	
311712	Fresh or Frozen Fish	
445110	Grocery Stores – Others	
713950	Bowling Alleys – No Restaurant	
	Category 2 (BOD 200-300 mg/l) (SS 150-400 mg/l)	\$5.1326
721110	Hotels and Motels – No Restaurant	
622110	Hospitals	
441110	Auto Dealers	
811121	Top and Body Repair Shops	
811121	Repair and Paint Shops	
811111	Auto Repair Shops	
324122	Asphalt Felts and Coating	
	Domestic Strength	
	Category 1 (BOD 0-250) (SS 0-150)	\$4.7612
623110	Nursing Homes	
812921	Photo Finish Laboratories	
722410	Taverns – No Food Preparation	
323119	Commercial Printers	
323116	Business Form Printers	
812310	Laundromats	
541921	Photo Studios	
811192	Car Washes	
327410	Lime Manufacturers	

(Ord. 27968 Ex. A; passed Feb. 1, 2011: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27554 § 5; passed Dec. 5, 2006: Ord. 27538 § 23; passed Oct. 24, 2006: Ord. 27372 § 2; passed Jun. 21, 2005: Ord. 27363 § 1; passed Jun. 7, 2005: Ord. 27285 § 13; passed Nov. 2, 2004: Ord. 27047 § 1; passed Feb. 25, 2003: Ord. 27003 § 16; passed Nov. 19, 2002: Ord. 26888 § 7; passed Dec. 4, 2001: Ord. 26729 § 10; passed Nov. 7, 2000: Ord. 26526 § 5; passed Nov. 30, 1999: Ord. 26338 § 7; passed Dec. 8, 1998: Ord. 25979 § 6; passed Nov. 19, 1996: Ord. 25802 § 16; passed Dec. 5, 1995: Ord. 25659 § 7; passed Jan. 24, 1995: Ord. 25521 § 5; passed Jun. 7, 1994: Ord. 24879 § 21; passed May 21, 1991: Ord. 24307 § 5, passed Mar. 7, 1989: Ord. 24049 § 5; passed Mar. 29, 1988: Ord. 23793 § 4; passed Mar. 3, 1987: Ord. 23574 § 4; passed Mar. 4, 1986: Ord. 23309 § 6; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.410 Lack of storm drains. *Repealed by Ord. 24879.*

(Ord. 24879 § 22; passed May 21, 1991: Ord. 23240 § 1; passed Aug 28, 1984)

12.08.420 Water source.

In cases where water to be used to determine the applicable sanitary sewerage charge is from a source other than the City, the user of such water shall meter the water used to produce sanitary sewage, and the meter shall be read regularly by the City.

(Ord. 24879 § 23; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.430 Reconsideration of wastewater rates.

There shall be no reduction in rates for any premises to which a sanitary sewer service connection has been made or which is available, unless there is no charge being made for water or water service to such premises, or where monitoring, sampling, and testing prove the rate to be based on erroneous information.

If an owner or other person responsible for paying wastewater rates and charges is of the opinion that the user group rate thereof applicable to that owner or person is based on erroneous information, that owner or other person may, in writing, request a review by the Director of the rate by sampling and testing of sanitary sewage and industrial wastewater from the premises served. A user requesting such reconsideration may be eligible for a set of samples and tests by the City Environmental Services Laboratory personnel or, at the owner's or such other person's option, such owner or other person may have an approved outside laboratory perform the sampling and testing. Regardless of outcome, all costs of sampling and testing by such outside laboratory shall be borne by such owner or other person. In any case, such owner or other person must provide adequate and safe facilities for sampling. Costs of subsequent sampling and testing by City personnel, not required to meet federal or state regulations, shall be the responsibility of such owner or other person. If an outside laboratory is employed for testing pursuant to this section, all samples taken shall be split with the Environmental Services Laboratory. Concurrent tests shall be run by the City to corroborate the results. All sampling and testing procedures shall be done according to "Standard Methods" or an alternative approved by the Director. If the results of the tests are within standard deviations for the concentrations used in determining the rates, no rate change will be made. The owner or person seeking reconsideration shall bear all costs for the tests by the City unless the results outside standard deviations indicate a lower composite rate. No retroactive credits or rebates for charges billed while using estimated concentration levels prior to a user's request for sampling will be made. (Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27538 § 24; passed Oct. 24, 2006: Ord. 26729 § 11; passed Nov. 7, 2000: Ord. 25587 § 31; passed Sept. 20, 1994: Ord. 24879 § 24; passed May 21, 1991: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.440 Regular review of wastewater and surface water rates.

Public Works Environmental Services shall conduct regular reviews of the wastewater and surface water rates contained herein so as to confirm that all costs to operate the Municipal wastewater and storm drainage systems are being properly recovered according to City ordinances, state laws, and federal regulations. (Ord. 27968 Ex. A; passed Feb. 1, 2011: Ord. 27960 Ex. A; passed Dec. 14, 2010: Ord. 27003 § 17; passed Nov. 19, 2002: Ord. 26729 § 12; passed Nov. 7, 2000: Ord. 25587 § 32; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.450 New services – Rates.

For new residential services or account holders which have incomplete or no winter flow records available, the monthly flow portion of the charge for sanitary sewerage shall be computed using the flows listed below:

Single-family Dwellings - 7 ccf per month

Multiple-family Dwelling - 5 ccf per unit per month

Except that charges for existing multiple-family dwellings with previous consumption history shall not change solely due to changes in account holder or ownership. (Ord. 27554 § 6; passed Dec. 5, 2006: Ord. 25802 § 17; passed Dec. 5, 1995: Ord. 25659 § 8; passed Jan. 24, 1995: Ord. 25587 § 33; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.460 Minimum charge.

Every premises to which wastewater service is furnished, and every premises to which there is availability for such service shall be charged for such service in accordance with the rates and charges herein placed in effect; provided, however, that in no event shall any such charge be less than as provided below:

Effective Date: February 14, 2011:

\$17.81 per calendar month

Effective Date: January 1, 2012:

\$18.65 per calendar month

(Ord. 27968 Ex. A; passed Feb. 1, 2011: Ord. 27765 Ex. A; passed Dec. 9, 2008: Ord. 27554 § 7; passed Dec. 5, 2006: Ord. 27538 § 25; passed Oct. 24, 2006: Ord. 27285 § 14; passed Nov. 2, 2004: Ord. 27003 § 18; passed Nov. 19, 2002: Ord. 26729 § 13; passed Nov. 7, 2000: Ord. 26526 § 6; passed Nov. 30, 1999: Ord. 26338 § 8; passed Dec. 8, 1998: Ord. 25979 § 7; passed Nov. 19, 1996: Ord. 25802 § 18; passed Dec. 5, 1995: Ord. 25659 § 9; passed Jan. 24, 1995: Ord. 25521 § 6; passed Jun. 7, 1994: Ord. 24879 § 25; passed May 21, 1991: Ord. 24307 § 6; passed Mar. 7, 1989: Ord. 24049 § 6; passed Mar. 29, 1988: Ord. 23793 § 5; passed Mar. 3, 1987: Ord. 23574 § 5; passed Mar. 4, 1986: Ord. 23309 § 7; passed Dec. 18, 1984: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.470 Unlawful installations.

It shall be unlawful to install, change, bypass, adjust, remove, or alter any metering device or any piping arrangement connected to a metering device so as to show the quantity of water used on the premises to be less than the actual quantity used. Persons so tampering with a metering device shall be guilty of theft, and shall be subject to such remedies as may be provided under the Washington Criminal Code, or TMC 8.12.010. . The crime of theft shall not be subject to civil penalties, as provided for in this chapter. (Ord. 27538 § 26; passed Oct. 24, 2006: Ord. 25587 § 34; passed Sept. 20, 1994: Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.500 Surface water rates and charges.

Surface water charges shall be based on the square footage area of each parcel of real property and the land use designation of such parcel. The Director [DFM1] shall determine what rate shall apply to each specific parcel in accordance with this section, and the charge resulting from that determination and application of the other factors herein set forth. Upon request, and based on information provided by the parcel owner, the Director may, in his/her sole discretion determine that the City's use of a surface water or storm drainage or collection system on or at a specific parcel benefits the City's storm drain system and is grounds for reducing surface water drainage charges; except that: (1) collection from single premises and concentrating the flow; (2) collection of surface water which is piped through or underneath the surface of a property; or (3) water which flows via a natural drainage course through a property, shall not constitute such grounds. Wetlands maintained and dedicated by deed restriction for mitigation purposes may be eligible for a reduction of a surface water drainage charge under this section.

For purposes of computing surface water rates under this section, the land use designation shall be the principal activity on the parcel as listed in the North American Industry Classification System (NAICS, 2002), prepared by the Statistical Policy Division of the Federal Office of Management and Budget and adopted hereby for this purpose. The land use category for each parcel will place it in one of the five following specific categories, hereinafter referred to as "Basic Categories of Development," as to each of which the rate per month per 500-square-foot increment of parcel area shall apply:

Effective Date: February 14, 2011:

Basic Category of Development	Rate per Month
Waterfront/Direct Discharge Parcels:	
Undeveloped – First Acre or Less	\$0.1052 per 500 ft ²
Undeveloped -- Area in Excess of One Acre	\$0.0420 per 500 ft ²
Light	\$0.3156 per 500 ft ²
Moderate	\$0.4369 per 500 ft ²
Heavy	\$0.6311 per 500 ft ²
Very Heavy	\$0.8415 per 500 ft ²
All Other Parcels:	
Undeveloped – First Acre or Less	\$0.2021 per 500 ft ²
Undeveloped – Area in Excess of One Acre	\$0.042 per 500 ft ²
Light	\$0.6064 per 500 ft ²
Moderate	\$0.8247 per 500 ft ²
Heavy	\$1.2128 per 500 ft ²
Very Heavy	\$1.6170 per 500 ft ²

Effective Date: January 1, 2012

Basic Category of Development	Rate per Month
Waterfront/Direct Discharge Parcels:	
Undeveloped – First Acre or Less	\$0.1078 per 500 ft ²
Undeveloped – Area in Excess of One Acre	\$0.0448 per 500 ft ²
Light	\$0.3233 per 500 ft ²
Moderate	\$0.4478 per 500 ft ²
Heavy	\$0.6466 per 500 ft ²
Very Heavy	\$0.8621 per 500 ft ²
All Other Parcels:	
Undeveloped – First Acre or Less	\$0.2156 per 500 ft ²
Undeveloped – Area in Excess of One Acre	\$0.0448 per 500 ft ²
Light	\$0.6468 per 500 ft ²
Moderate	\$0.8792 per 500 ft ²
Heavy	\$1.2936 per 500 ft ²
Very Heavy	\$1.7248 per 500 ft ²

Waterfront/direct discharge parcels are those parcels directly abutting Puget Sound with at least 50 feet of frontage, or parcels discharging, by private means, all or substantially all of their surface water directly into the marine waters of Puget Sound. For purposes of computing surface water charges, the area of each parcel shall be rounded to the nearest 500-square foot increment (the area of premises less than 250-square feet shall be set at 500 square feet) and the appropriate rate from Table III shall be multiplied by the number of such increments in the parcel. In addition to the area charge listed above, the City shall charge a monthly fixed fee of:

Effective February 14, 2011 \$5.45

Effective January 1, 2012 \$5.51

Single-family residential parcels will be assigned the “Moderate” Basic Category of Development for determination of monthly charges, except that all single-family residential parcels of 15,000 square feet or less inspected by the Public Works Department and placed in a different Basic Category of Development shall pay the rate assigned to such Basic Category of Development. Single-family residential parcels of 15,000 square feet or more shall pay at the moderate rate for the first 15,000 square feet and the remainder at the undeveloped rate, unless the parcel is inspected by the Public Works Department and placed in a different Basic Category of Development, in which case the first 15,000 square feet shall pay the rate assigned to such Basic Category of Development and the remainder at the undeveloped rate. The fixed charge will be computed only once per parcel per month, regardless of area.

Residential customers who qualify as low-income senior or low-income disabled under TMC 12.06.165 B shall be eligible for a 30 percent reduction from the regular storm drainage charges. The determination of low income senior and low income disabled status shall be made as set forth in TMC 12.06.165 B. Individuals must submit an application documenting such determination for review and acceptance by the Director to qualify for this reduction. The effective date for the rate reduction shall be the first day of the billing period in which the Director’s acceptance is granted. (Ord. 27968 Ex. A; passed Feb. 1, 2011; Ord. 27765 Ex. A; passed Dec. 9, 2008; Ord. 27554 § 8; passed Dec. 5, 2006; Ord. 27538 § 27; passed Oct. 24, 2006; Ord. 27285 § 15; passed Nov. 2, 2004; Ord. 27003 § 19; passed Nov. 19, 2002; Ord. 26729 § 14; passed Nov. 7, 2000; Ord. 26526 § 7; passed Nov. 30, 1999; Ord. 26338 § 9; passed Dec. 8, 1998; Ord. 25979 § 8; passed Nov. 19, 1996; Ord. 25802 § 19; passed Dec. 5, 1995; Ord. 25659 § 10; passed Jan. 24, 1995; Ord. 25521 § 7; passed Jun. 7, 1994; Ord. 25317 § 5; passed Jun. 8, 1993; Ord. 24879 § 26; passed May 21, 1991; Ord. 23792 § 1; passed Mar. 3, 1987; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.510 Billing for storm and surface water sewerage charges.

The City shall bill for storm and surface water sewerage to each and every parcel of real property inside the boundary of the City except only as specifically excluded in TMC 12.08.530. Owners of parcels which are contiguous and have a single land use designation may receive a single bill for storm and surface water sewerage charges for all parcels by having the parcels consolidated on the Pierce County Assessor's tax rolls. Persons responsible for charges for sanitary sewerage or other City utility charges shall be the recipient of the monthly or bimonthly storm and surface water sewerage charges. Owners of vacant

property or property not otherwise receiving City utility bills shall be billed for storm and surface water sewerage charges. The owner or other responsible party as listed above may request that storm and surface water sewerage charges be billed to another party by request in writing in form and content approved by the Director. Such request, designation and billing to such other person shall not release any owner or other person from responsibility for payment of City storm and surface water sewerage charges, or release any parcel from the lien for delinquent charges, interest, costs, and fees allowed herein or by applicable law. (Ord. 27538 § 28; passed Oct. 24, 2006; Ord. 25802 § 20; passed Dec. 5, 1995; Ord. 25587 § 35; passed Sept. 20, 1994; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.520 Reconsideration of storm and surface water sewerage charges.

If an owner or other person responsible for paying storm and surface water sewerage charges is of the opinion that the rate thereof and resulting charge applicable to that owner or other person is based on erroneous information, that owner or other person may produce such information as the Director reasonably requires and, if warranted in the reasonable opinion of the Director, the Director shall make an appropriate adjustment to such rate or charge. (Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.530 Exclusions of certain properties from storm and surface water sewerage charges.

Storm and surface water sewerage charges shall not be levied directly to:

A. Any City street, road, alley or right-of-way the storm and surface water drainage function of which has been transferred to and made a part of the Municipal Sewer System by Ordinance No. 21638 passed April 3, 1979; it being expressly found that all such City streets, roads, alleys and rights-of-way provide storm and surface water sewerage to the City by collecting and transporting storm and surface water from multiple individual properties to Storm Sewers of a value equal to the reasonable charge therefor that would otherwise be charged by the City; and

B. Real property within Point Defiance Park, which area has been previously excluded from the service area for City storm and surface water sewerage by Ordinance No. 21632 passed April 3, 1979. (Ord. 26526 § 8; passed Nov. 30, 1999; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.540 Organized drainage or drainage improvement districts.

Any organized drainage or drainage improvement district in existence on April 1, 1979, the boundary of which is wholly or partly within the boundary of the City on that date, may seek relief from City storm and surface water sewerage charges to the extent that it can prove to the satisfaction of the Director that such district provides storm and surface water sewerage within the boundary of the City. Nothing herein shall expressly or by implication constitute City or City Council approval or ratification of, or agreement or consent to, any act, undertaking or omission by any such district. (Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.550 Waterfront properties. *Repealed by Ord. 26526.*

(Ord. 26526 § 9; passed Nov. 30, 1999; Ord. 25979 § 9; passed Nov. 19, 1996; Ord. 24879 § 27; passed May 21, 1991; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.560 Low impact development stormwater and surface water systems.

The rate of computation of stormwater and surface water charges applicable to premises that have on them an approved low impact development stormwater and surface water system that achieves runoff characteristics equivalent to pre-development, forested conditions, may be reduced one Basic Category of Development lower in rate of such computation than that in which the premises would otherwise be placed, as determined by the Director in his or her discretion, after taking into account the effectiveness of the system. In order to qualify under this section, the owner of the premises must have obtained the proper permits and constructed the system according to plans approved by the Director, and the system must exceed the minimum requirements that would be required by applying the City's current Stormwater Management Manual. The owner shall be responsible for all costs of the proper operation and maintenance of such system and shall submit annual maintenance reports to the Director. The Director reserves the right to inspect all stormwater and surface water systems approved or sought to be approved under this section to ascertain that they function properly. If at any time such system fails to retain stormwater or surface water in a volume and for a period of time to justify the reduction of stormwater and surface water sewerage charges as determined by the Director by appropriate engineering standards, or if the owner fails to submit the annual maintenance reports, the Director may increase the Basic Category of Development to one which reflects the effectiveness, if any, of such system, or the Director may revoke approval of the system irrespective of prior approval by the Director of either the system or plans therefor.

Notwithstanding any rate reduction authorized, permitted or provided for in this section, no rate computation shall be reduced below that applicable to undeveloped land. (Ord. 27003 § 20; passed Nov. 19, 2002; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.600 Billing periods, payments, and collections.

A. All bills for wastewater and surface water service charges as set forth herein shall be rendered monthly or bimonthly as shall be determined by the City Manager and shall become due and payable at the office of the City Treasurer or such other places as approved by the City Treasurer on or before the 10th day after the statement has been mailed and shall become delinquent thereafter.

B. For any service charge which becomes delinquent, the party shall be charged a late payment fee as set forth in TMC 12.01. Any service charge which becomes delinquent, together with interest, also shall immediately become a lien against the premises served under RCW 35.67.200. Such lien may be foreclosed by the City in the manner provided by Chapter 35.67 RCW. In the event that the City files or releases a lien with the County Auditor, a processing fee will be added to the delinquent amounts owed equivalent to the current fees charged by the County Auditor for filing or releasing a lien. The processing fee will be allocated to Wastewater Management or Surface Water Management Funds, as appropriate, and, for City tax purposes, recorded as revenue. In addition to such foreclosure, a customer whose said Wastewater Management or Surface Water Management account is delinquent shall also be subject to having City water utility services terminated for the subject premises (or other premises owned or rented by the customer), which termination shall continue until satisfactory arrangements are made to satisfy the delinquency. (Ord. 27765 Ex. A; passed Dec. 9, 2008; Ord. 27538 § 28; passed Oct. 24, 2006; Ord. 27285 § 16; passed Nov. 2, 2004; Ord. 27003 § 21; passed Nov. 19, 2002; Ord. 26729 § 15; passed Nov. 7, 2000; Ord. 25587 § 36; passed Sept. 20, 1994; Ord. 23337 § 4; passed Sept. 10, 1985)

12.08.610 Property owner liability – Supplemental charges.

A. The owner(s) of property, whether inside or outside the City, from which material in violation of this chapter is discharged into the Municipal Sewer System shall be liable to pay any supplemental charges the City incurs to respond to such violation. Liability for supplemental charges under this section shall also apply to any person responsible for discharging a material in violation of this chapter into the Municipal Sewer System, regardless whether they own the property from which the prohibited discharge originates. Assessment of supplemental charges shall be in addition to: (a) any enforcement action the City may pursue under TMC 12.08.670 or TMC 12.08.675 to address a violation of Chapter 12.08 TMC; (b) any cost recovery remedy available to the City under state and federal environmental laws and regulations; and (c) any other remedy available at law to address a violation of Chapter 12.08 TMC.

1. Supplemental charges are all incidental expenses the City incurs responding to a violation covered by subsection A. above. The term “incidental expenses” includes all of the City’s costs to address the violation, including, but not limited to: (a) personnel costs, both direct and indirect; (b) any costs the City incurs to investigate, contain, and abate the discharge, including cleaning up any contamination caused by the discharge that may be present within the Municipal Sewer System, at the point of discharge, and/or in the receiving environment; (c) costs to document and enforce the violation; (d) contracting costs to hire a contractor(s) or consultant(s) and contract payments to such contractor(s) and consultant(s); (e) laboratory cost and analytical expenses; (f) costs for equipment, materials, and supplies; (g) mobilization, transportation, treatment, storage, and disposal costs; (h) attorney’s fees, when authorized; (i) the costs of any required printing or mailing; and (j) the costs of collection for unpaid supplemental charges.

2. Any supplemental charges assessed shall become due and payable to the City within 30 calendar days of receipt of such assessment. Persons wishing to appeal the assessment of supplemental charges may do so in accordance with TMC 12.08.678. If supplemental charges are appealed and affirmed in whole or in part, such charges shall become due and payable within 30 calendar days of receipt of a final decision by the Hearing Examiner or a court. The City may pursue collection of non-payment of supplemental charges by any lawful means authorized, including referral to a collection agency. (Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27285 § 17; passed Nov. 2, 2004; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.620 Contracts with the state, sewer or water districts and other municipal corporations.

Whenever, in view of the sanitary and storm and surface water sewerage requirements of the City, the Municipal Sewer System has adequate capacity, the City may contract with the state, with any incorporated sewer district or water district which is successor by merger with a sewer district or with any other municipal corporation for the discharge into the Municipal Sewer System of sanitary sewage, or wastewater, or storm or surface water, from any state property or all or any part or parts of such sewer or water district or municipal corporation, or for discharge into the system of sewers of any sewer or water district or municipal corporation of sanitary sewage, wastewater, or storm or surface water, from any part or parts of the City, upon such terms and conditions and for such periods of time as may be deemed reasonable. (Ord. 27285 § 18; passed Nov. 2, 2004; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.630 Sewer fund created.

There be and is hereby created in the Treasury of the City a special fund to be known as the "Sewer Utility Fund." Any and all revenues received for the use of the Municipal Sewer System as set forth herein, from revenues received from the sale of byproducts from a treatment facility of the Municipal Sewer System or from any other source for rental, use, or services

rendered by the Municipal Sewer System, shall be credited to this fund and all expenses for the operation, maintenance, and repair of the Municipal Sewer System shall be charged to this fund. It is intended that in enacting this section that Section 13 of Ordinance No. 13989, passed October 4, 1950, be substantially reenacted hereby. (Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.640 Environmental Services Conservation Loan Program.

There is established in the City a new program to be known as the “Environmental Services Conservation Loan Program” (“Program”). The Treasurer of the City is hereby authorized to transfer sufficient funds from the Wastewater Management or Surface Water Management Fund, as appropriate, to the Conservation Loan Fund in order to administer the Program. Disbursement of funds from the Conservation Loan Fund shall be made in the manner as provided by law.

Moneys allocated to the Conservation Loan Fund are to be used exclusively to provide loans for City of Tacoma wastewater or surface water customers to purchase and install materials and equipment that help conserve conveyance and treatment capacity in the City’s stormwater or sanitary sewer system and/or reduce pollution in discharges to the wastewater treatment plants or waters of the state. Except as provided by law, loans shall be secured by a lien against the benefited property or a security interest in the equipment benefited, and the Conservation Loan Fund shall be sustained by borrower payments, which shall include reasonable interest. The Director shall determine and administer the policies and operation of the Environmental Services Conservation Loan Program. The Director is authorized to implement any and all remedies to collect the payments for the loans, which may include foreclosure of the liens and/or security interests, as well as terminating water service to the premises. (Ord. 27003 § 22; passed Nov. 19, 2002; Ord. 26729 § 16; passed Nov. 7, 2000; Ord. 26338 § 10; passed Dec. 8, 1998)

12.08.650 Board of Review. *Repealed by Ord. 24879.*

(Ord. 24879 § 28; passed May 21, 1991; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.660 Falsifying information. *Repealed by Ord. 25587.*

(Ord. 25587 § 37; passed Sept. 20, 1994; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.670 Violation – Penalties.

Any person found guilty of willfully violating, without sufficient cause, any of the provisions of this chapter, or permit or order issued pursuant to this chapter, is guilty of a gross misdemeanor, and on conviction shall be punished by a fine of up to \$5,000.00, or by imprisonment for up to 365 days, or by both such fine and imprisonment. Each day's violation may be deemed a separate offense and shall be subject to a penalty assessment for each day during the period of violation. (Ord. 25587 § 38; passed Sept. 20, 1994; Ord. 24307 § 7; passed Mar. 7, 1989; Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.675 Notice of violation – Civil penalties.

A. Notice of Violation. When the Director finds that a civil violation of this chapter has occurred or is occurring, then the Director may issue a notice of violation to the person responsible for the violation. The issuance of a notice of violation represents a determination that a violation of this chapter has occurred or is occurring. The notice of violation may include civil penalties, corrective action orders, as well as corrective action/compliance schedules under TMC 12.08.140.E.7. The determination is final unless a hearing is requested as provided for in this chapter.

B. Content of Notice. The notice of violation shall include the following information:

1. The name and address of the person responsible for the violation; and
2. The street address where the violation has occurred or is occurring or, in the alternative, a description sufficient for identification of the building, premises, or land upon which the violation has occurred or is occurring; and
3. A description of the violation and a reference to the provision(s) of the City of Tacoma regulation which has been violated; and
4. A statement establishing a civil penalty, corrective action order, and/or compliance schedule, as applicable; and
5. A statement that the notice of violation represents a determination that a violation of the provisions of Chapter 12.08 TMC has occurred, and that the determination is final unless a hearing is requested within 30 days from the date of the notice; and
6. A statement indicating that any hearing scheduled as a result of an appeal may be canceled if the Director finds that the violator has complied with the actions required by the notice; and
7. A statement that a civil penalty in an amount not to exceed \$5,000 for each violation, for every day the violation continues, may be assessed against the person to whom the notice of violation is directed; and

8. A statement of the options available to respond to the notice of violation and the procedures necessary to exercise these options.

C. Service of Notice. The Director shall serve the notice of violation upon the person to whom it is directed, either personally or by mailing a copy of the notice of violation to such person at the person's last known address, postage prepaid by certified mail with return receipt requested, or by first-class mail. Proof of service shall be established by the date and signature of the addressee on the certified mail "return receipt" form, or upon the third day following the date upon which the notice of violation was placed in the mail, unless the third day falls on a Saturday, Sunday, or legal holiday, in which event service shall be deemed complete on the end of the next day which is neither Saturday, Sunday, or a legal holiday. If the person to whom the notice of violation is directed can not after due diligence be personally served within Pierce County, and if an address for mailed service cannot after due diligence be ascertained, then notice shall be served by posting a copy of the notice of civil violation conspicuously on the property or structure where the violation occurred, or is occurring. In this circumstance, proof of service shall be made by a written declaration under penalty of perjury executed by the person effecting the service, declaring the time and date of service, the manner by which the service was made, and if service is made by posting, then the facts showing that due diligence was used in attempting to serve the person personally or by mail.

D. Civil Penalty. In enforcement actions, under this chapter, where a civil penalty is assessed, the civil penalty for each separate violation per day or portion thereof shall be in an amount not to exceed \$5,000. Each and every violation shall be a separate and distinct offense. In case of a continuing violation, every day's continuance shall be a separate and distinct violation. Every person who, through an act of commission or omission, procures, aids, or abets in the violation shall be considered to have violated the provisions of this chapter and shall be subject to the penalty herein provided. Failure to take corrective action as specified in a corrective action order issued by the Director under Chapter 12.08 may subject the recipient to a civil penalty in an amount not to exceed \$5,000 for each day of continued noncompliance.

E. Continued Duty to Correct. Payment of the civil penalty does not relieve the person to whom the notice of violation was issued of the duty to correct the violation.

F. Collection of Penalty. The civil penalty constitutes a personal obligation of the person to whom the notice of civil violation is directed. Any civil penalty assessed shall be paid to the City of Tacoma within 30 calendar days of receipt of such notice or, if appealed, within 30 calendar days of receipt of the Hearing Examiner's decision or a notice from the City that penalties are due.

G. Any person who has received a notice of violation shall respond to such notice within 30 days of the date of the notice. For the purposes of this section, a response may take the following forms:

1. If the person receiving the notice of violation does not contest the terms of such notice, the person shall respond within thirty (30) days by paying any civil penalties that may be assessed, and by taking any corrective actions that may be required by the Director. The Director shall not be bound by the corrective action or the amounts of civil penalties contained in the notice of civil violation, and the Director may make such modifications to the notice as will accomplish the purposes of this chapter.

2. If the person decides to contest the notice of violation, including any civil penalties, orders, requirements, decisions, or determinations that may be contained within such notice, the person shall file a written appeal with the Hearing Examiner within thirty (30) days from the date the notice of violation was received. The date of receipt shall be established according to the proof of service requirements set forth in TMC 12.08.675.C. above. . The person shall file the appeal by submitting it, either by mail or in person, with the office of the Hearing Examiner.

H. Hearing Before the Hearing Examiner.

1. Notice. A person to whom a notice of civil violation is issued that has filed a request for a hearing before the Hearing Examiner will be scheduled to appear at a prehearing before the Hearing Examiner not less than 15 calendar days after the request for hearing has been filed.

2. Prior Correction of Violation. The hearing before the Hearing Examiner may be canceled if the person to whom a notice of civil violation is issued agrees in writing to comply with the requirements of the notice.

3. Procedure. The Hearing Examiner shall conduct a hearing in the notice of violation appeal pursuant to the requirements of Chapter 1.23 TMC, and the City of Tacoma Office of Hearing Examiner Rules of Procedure for Hearing. The person to whom the notice of civil violation was directed shall have the right to file a written answer to the charge. The person to whom the notice of civil violation was directed shall have the right to appear at the hearing represented by legal counsel, and may participate as a party. The Director may appear in proceedings under this chapter, and may, but need not, be represented by the City Attorney. Each party may call and cross-examine witnesses, and be fully heard. The burden of proof in such hearings shall be governed by TMC 1.23.070.C. The determination of the Director as to the need for the required corrective action shall be accorded substantial weight by the Hearing Examiner in determining the reasonableness of the required corrective

action. The Hearing Examiner may call witnesses on the Examiner's own motion, and compel the production of books, records, papers, and such other evidence needed by the parties. To that end, the Hearing Examiner may issue subpoenas and subpoenas duces tecum at the request of any party. All testimony shall be given under oath administered by the Hearing Examiner.

4. Decision of the Hearing Examiner. Pursuant to Chapter 1.23 TMC, the Hearing Examiner shall make, and fully record in the Hearing Examiner's permanent records, findings of fact, conclusions of law, and an order of disposition. The Hearing Examiner shall determine whether the City has established that a violation has occurred and whether the required corrective action is reasonable. The Hearing Examiner's order shall affirm, vacate, or modify the City's decisions regarding the alleged violation and/or the required corrective action, with or without written conditions. The Hearing Examiner shall issue an order to the person responsible for the notice of civil violation which contains the following information:

- a. The decision regarding the alleged violation including findings of fact and conclusions based thereon in support of the decision;
- b. The required corrective action;
- c. The date and time by which the corrective action must be completed; and
- d. The civil penalties assessed.

I. Assessment of Civil Penalties. Civil penalties assessed by the Director shall be in accordance with the provisions of this section. Civil penalties shall be reasonably calculated to achieve compliance with, and deter future violation of, the Tacoma Municipal Code. In reviewing a civil penalty assessed by the Director, the Hearing Examiner shall consider the following factors:

1. Whether the person against whom the notice of civil violation was issued responded to staff attempts to contact that person, and whether the person against whom the notice of civil violation was issued cooperated with efforts to correct the violation;
2. Whether the person against whom the notice of civil violation was issued failed to appear at the hearing;
3. Whether the violation was a repeat violation;
4. Whether the person against whom the notice of civil violation was issued showed due diligence and/or substantial progress in correcting the violation;
5. Whether a genuine code interpretation issue exists; and
6. Any other relevant factors.

J. Notice of Decision. The Hearing Examiner shall mail a copy of the decision to the appellant and to the Director within 10 days of the Hearing Examiner's decision.

K. Failure to Appear. Failure on the part of the person to whom the notice of civil violation was issued constitutes an admission to the violations alleged. If the person to whom the notice of civil violation was issued fails to appear at the scheduled hearing, the Hearing Examiner will enter an order finding that the violation occurred, and assessing the appropriate civil penalty. The City will carry out the Hearing Examiner's order, and recover all related expenses.

L. Appeal to Municipal Court. If the Hearing Examiner orders any person to pay a civil penalty, that person may appeal, in the form of a trial de novo, to the Tacoma Municipal Court.

1. The Tacoma Municipal Court shall hear the case according to the Civil Rules for Courts of Limited Jurisdiction, and applicable local rules of the Court.
2. Appeal shall be taken by filing in the Tacoma Municipal Court a notice of appeal within 14 days of the Hearing Examiner's order. The person filing the appeal shall also, within the same 14 days, serve a copy of the notice of appeal on the Hearing Examiner, the Director, the City Attorney, and shall file an acknowledgment or affidavit of service in the Tacoma Municipal Court.

M. Nonexclusive Remedy. The provision for civil penalties is not exclusive, and civil penalties may be used together with other remedies that may exist in law or in equity, except that no act or omission that is defined as a crime by Washington or federal statutory law shall incur a civil penalty. (Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27538 § 30; passed Oct. 24, 2006; Ord. 27285 § 19; passed Nov. 2, 2004; Ord. 27003 § 23; passed Nov. 19, 2002; Ord. 25587 § 39; passed Sept. 20, 1994; Ord. 24879 § 29; passed May 21, 1991)

12.08.677 Dischargers in significant noncompliance.

Industrial Dischargers found by the Director to be in significant noncompliance, as defined in 40 CFR Part 403 and Chapter 12.08 TMC during a 12-month period may be listed and their names published annually in a newspaper of general circulation that provides meaningful public notice within the jurisdiction(s) served by Tacoma. (Ord. 27978 Ex. A; passed Apr. 26, 2011; Ord. 27765 Ex. A; passed Dec. 9, 2008; Ord. 25802 § 21; passed Dec. 5, 1995; Ord. 25587 § 40; passed Sept. 20, 1994)

12.08.678 Appeals of orders, requirements, decisions and determinations.

Any person wanting to contest an order, requirement, decision, or determination made by the Director in enforcing the provisions of this chapter to the Hearing Examiner shall file a written appeal with the Hearing Examiner and request a hearing within thirty days of receipt of such order, requirement, decision, or determination. The date of receipt shall be established according to the proof of service requirements set forth in TMC 12.08.675.C. above. The Hearing Examiner shall conduct a hearing in the appeal of an order, requirement, decision, or determination by the Director pursuant to the requirements of TMC 1.23, and the City of Tacoma Office of Hearing Examiner Rules of Procedure for Hearing. The burden of proof in such hearings shall be governed by TMC 1.23.070.C. In exercising such powers of review, the Hearing Examiner may, in conformity with the provisions of the law, reverse or affirm the Director's order, requirement, decision, or determination in whole or in part, or may modify the order, requirement, decision, or determination and make such order as appears just to the Hearing Examiner. (Ord. 27538 § 31; passed Oct. 24, 2006; Ord. 25587 § 41; passed Sept. 20, 1994)

12.08.680 Severability – Saving.

If any portion of this chapter, as now or hereafter amended, or its application to any person or circumstances, is held invalid, unenforceable or unconstitutional, such adjudication shall not affect the validity of this ordinance or of this chapter, as now or hereafter amended, or any section, provision or part hereof or thereof not adjudicated to be invalid, unenforceable or unconstitutional, and its application to other persons or circumstances shall not be affected. (Ord. 23240 § 1; passed Aug. 28, 1984)

12.08.700 Utility Reimbursement Agreements Wastewater and Surface Water Utility Improvements.

A. Purpose. The purpose of this section is to prescribe rules and regulations for exercise of the authority to enter into a Utility Reimbursement Agreement granted to the City pursuant to RCW 35.91.

B. Definitions. As used in this section, the terms listed below shall be defined as follows:

“Applicant” means any private individual or corporation using private funds to install Wastewater or Surface Water improvements in a public right-of-way that will benefit other property owners (Latecomers) who will develop their properties after said improvements.

“Cost of Construction” means those costs incurred for design, acquisition for right-of-way and/or easements, construction, materials, and installation required in order to create an Improvement which complies with City standards. Until such time as RCW 35.91 is amended to expressly authorize inclusion of interest charges or other financing costs, such expenses shall not be included in the calculation of construction costs. In the event of a disagreement between the City and the Applicant concerning the cost of the Improvement, the Director’s determination shall be final.

“Director” means the Director of Public Works or his or her designated representative.

“Improvements” means all Wastewater and Surface Water improvements and appurtenances required by the City that provide benefits to properties to other than those owned or otherwise controlled by the Applicant.

“Latecomer” means any private individual or corporation that benefits from Wastewater or Surface Water improvements installed by others, providing these Improvements are subject to a valid Latecomers agreement.

“Owner” means the builder or developer of a Wastewater or Surface Water system improvement.

“Utility Reimbursement Agreement” means a written contract between the City and one or more property owners providing for construction of water or sewer facilities and for partial reimbursement to the party causing such improvements to be made of a portion of the costs of such Improvements by owners of property benefited by the Improvements, as more specifically described in RCW 35.91.

“Utility Reimbursement Area” means the area served in being benefited by the system, as defined above.

“Wastewater or Surface Water Facilities” shall have the meaning specified in RCW 35.91.020 as it now reads or as hereafter amended.

C. Project Requirement. In order to be eligible for a Utility Reimbursement Agreement, the estimated cost of the proposed Improvement must not be less than \$25,000. This ordinance may be applied to any facility that has not been fully accepted as

operational by the City on or after January 1, 2005. The estimated cost of the Improvement shall be determined by the Director, based upon a construction contract for the project, bids, engineering or architectural estimates, or other information deemed by the Director to be a reliable basis for estimating costs. The determination of the Director shall be final.

D. Application. An application for a Utility Reimbursement Agreement shall be made on a form provided by the City. The application fee shall be set by the Director and shall be submitted to the City with the written application and shall be accompanied by:

1. Preliminary utility design drawings;
2. Itemized estimate of construction costs prepared and signed by a licensed civil engineer or in the form of a bid submitted by a qualified contractor (if more than one bid has been obtained, all bids must be submitted to the City);
3. A scaled vicinity drawing, stamped by a licensed civil engineer or licensed land surveyor depicting the improvements and their location and the proposed benefited area, including dimensions and county assessor's numbers for each tax parcel, size of parcels, and evaluations where necessary for determining benefits;
4. The proposed list of properties within the Utility Reimbursement Area, stating the proposed reimbursement amount;
5. A complete list of record owners of property within the proposed Utility Reimbursement Area certified as complete and accurate by the Applicant and which states names and mailing addresses for each such owner;
6. Envelopes addressed to each of the record owners of property within the Utility Reimbursement Area who have not contributed their pro rata share of such costs. Proper postage for certified mail shall be affixed or provided;
7. A separate legal description for each tax parcel within the benefited area;
8. Such other information as the Director determines is necessary to properly review the application; and
9. An application fee of \$300.

E. Length of Reimbursement Provision. No Utility Reimbursement Agreement shall provide for reimbursement for a period of longer than fifteen (15) years from the date of final acceptance of the improvements by the City.

F. Director's Determination.

1. The Director shall review all applications and shall approve the application only if the following requirements are met:
 - a. The project satisfies the minimum size requirement, Section C; and
 - b. The proposed Improvements fall within the description of Surface Water or Wastewater Facilities, as those terms are described in RCW 35.91; and
 - c. The proposed improvements are not completed prior to January 1, 2005. After December 31, 2006, application will have to be made prior to commencing construction of the system.
2. In the event all of the above criteria are not satisfied, the Director may condition approval, as necessary, in order for the application to conform to such criteria, or shall deny the application. The final determination of the Director shall be in writing.

G. Determination of Utility Reimbursement Area Boundary and Reimbursement Fee. In the case of all approved applications, the Director shall define the Utility Reimbursement Area based upon a determination of which parcels did not contribute to the original cost of the water or sewer facility for which the Utility Reimbursement Agreement applies and which may subsequently tap into or use the same, including not only those which may connect directly thereto, but also those who may connect to laterals, branches, or pump stations connecting thereto. An estimated amount of the reimbursement fee shall be established so that each property will pay a share of the costs of the Improvements that is proportional to the benefits accruing to the property. The reimbursement fee shall be calculated by dividing the area of the property being connected to the system by the overall area that is benefited by the system; this amount shall be multiplied by the Cost of Construction.

H. Utility Reimbursement Agreement Must Be Recorded. In order to become effective, a Utility Reimbursement Agreement must be recorded with the office of the Pierce County Department of Records and Elections. It shall be the sole responsibility of the beneficiary of the Utility Reimbursement Agreement to verify the agreement has been recorded.

I. Written Agreement—City Payment of City Costs in Excess of Application Fee.

1. Upon approval of the application, determination of the estimated Cost of Construction, the Utility Reimbursement Area, and estimated fees by the Director, the Applicant shall sign a Utility Reimbursement Agreement in the form supplied by the City. The signed agreement, the application, and supporting documents, together with the Director's estimate of the Cost of

Construction and determination of Utility Reimbursement Area and estimated fees shall be drawn into a written agreement between the City and the Applicant.

2. In the event that costs incurred by the City for engineering or other professional consultant services required in processing the application exceed the amount of the application fee, execution of the agreement shall be conditioned upon receipt of payment by the Applicant of an additional amount sufficient to compensate the City for its costs in excess of the application fee.

J. Construction and Acceptance of Improvement–Recording of Final Fees.

1. After the Utility Reimbursement Agreement has been signed by both parties and all necessary permits and approvals have been obtained, the Applicant shall construct the Improvement and, upon completion, request final inspection and acceptance of the Improvement by the City, subject to any required obligation to repair defects. An appropriate bill of sale, easement, and any other document needed to convey the Improvement to the City and to ensure right of access for maintenance and replacement shall be provided, along with documentation of the actual costs of the Improvement and a certification by the Applicant that all of such costs have been paid.

2. In the event that actual costs are less than the Director's estimate used in calculating the estimated fees by 10 percent or more, the Director shall recalculate the fees, reducing them accordingly, and shall cause a revised list of fees to be recorded with the county auditor.

K. Notice to Property Owners. Prior to execution of any contract with the City establishing a Utility Reimbursement Agreement, the Director, or his or her designee, shall provide notice, via certified mail, to all record property owners within the Utility Reimbursement Area. As defined by the City on the basis of information and material supplied by the Applicant stating the preliminary boundaries of such an area and assessments along with substantially the following statement: "As a property Owner within the Utility Reimbursement Area, whose preliminary boundaries are enclosed with this notice, you or your heirs and assigns will be obligated to pay, under certain circumstances, a pro rata share of construction and contract administration costs of the certain Wastewater or Surface Water Utility project that has been preliminarily determined to benefit your property. The proposed amount of such pro rata share is also enclosed with this notice. You or your heirs and assigns shall be required to pay said share before any development permits are issued for development on your property within 15 years of the date that a contract establishing such area is recorded with Pierce County, provided your development would have required similar Surface Water or Wastewater Utility Improvement for approval. You have the right to request a hearing before the Director within twenty (20) days of the date of this notice. All such requests must be made in writing and filed with the City Clerk. After the Utility Reimbursement Agreement has been recorded, it shall be binding on all owners of record within the Utility Reimbursement Area who are not a party to the Utility Reimbursement Agreement."

L. Collection of Reimbursement Fees.

1. Subsequent to the recording of a Utility Reimbursement Agreement, the City shall not permit connection of any property within the Utility Reimbursement Area to any sewer or water facility constructed pursuant to the Utility Reimbursement Agreement, unless the share of the costs of such facilities required by the recorded agreement is first paid to the City.

2. Upon receipt of any reimbursement fees, the City shall deduct a 15 percent administrative fee and remit the balance of the reimbursement fees to the party entitled to the fees pursuant to the agreement. In the event that, through error, the City fails to collect a required reimbursement fee prior to approval of connection to a sewer or water facility, the City shall make diligent efforts to collect such fee, but shall under no circumstances be obligated to make payment to the Applicant entitled to reimbursement, or in any other way be liable to such party, unless such reimbursement fee has actually been paid to the City.

M. Segregation of Reimbursement Fees. The Utility Reimbursement Agreement shall provide that the City is authorized to make segregation or adjustments to reimbursement fees because of subdivision or boundary line adjustment of the benefited properties. The segregation or adjustment shall generally be made in accordance with the method used to establish the original reimbursement fees. Segregation or adjustment shall not increase or decrease the total reimbursement fees to be paid.

N. Disposition of Undeliverable Reimbursement Fees. In the event that, after reasonable effort, the party to which the reimbursement fees are to be paid, pursuant to a Utility Reimbursement Agreement, cannot be located and upon the expiration of one hundred eighty (180) days from the date the fees were collected by the City, the fees shall become the property for the City and shall be revenue to the City Wastewater and Surface Water utilities.

O. Rights and Nonliability of the City. The City reserves the right to enter into any Utility Reimbursement Agreement or to reject any application thereof. All applications for Utility Reimbursement Agreements shall be made on the basis that the Applicant releases and waives any claims for any liability of the City in establishment and enforcement of Utility Reimbursement Agreements. The City shall not be responsible for locating any beneficiary or survivor entitled to benefits by or through Utility Reimbursement Agreements.

P. Severability. If any section, sentence, clause, or phrase of this section should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this chapter.

Q. City Funding. As an alternative to financing projects under this section solely by owners of real estate, the City may join the financing of Improvement projects and may be reimbursed in the same manner as in the owners of real estate to participate in the projects, if the City has specified the conditions of its participation in an ordinance. As another alternative, the City may create a Utility Reimbursement Area on its own initiative, without the participation of a private property owner, finance the cost of the Surface Water or Wastewater Utility Improvement, and become the sole beneficiary of the reimbursements that are contributed. The City may be reimbursed only for the cost of the Improvement that benefit that portion of the public who will use the developments within the Utility Reimbursement Area established pursuant to this section. No City costs for the Improvement that benefits the general public may be reimbursed.

R. Director's Action. If any owner of property within the proposed Utility Reimbursement Area requests a hearing in writing within twenty (20) days of the mailing of the property owner notification, a hearing shall be held before the Director, notice of which shall be given to all affected property owners in addition to the regular notice requirements specified by this code, the cost of which shall be borne by the Applicant. At a hearing, the Director shall take testimony from affected property owners and make a final determination of the area boundaries, the amount of assessments, length of time for which reimbursement shall be required, and shall authorize the execution of appropriate documents. The Director's ruling of these matters is determinative and final. If no hearing is requested, the Director may consider and take final action on these matters at any public meeting twenty (20) days after notice was mailed to the affected property owners. (Ord. 27502 § 1; passed Jun. 27, 2006)

12.08.720 Side Sewer Condition Education Requirement.

A. Purpose. The purpose of this section is to establish the distribution requirements for private side sewer educational flyers at the time of sale, major building remodel or additions to properties within the City of Tacoma, in order to educate property owners on the conditions of private side sewers, and to encourage the reduction in quantity of inflow and infiltration into the sanitary sewer system. The educational flyer distribution requirements take effect on December 1, 2010. The City encourages owners to be proactive in making private side sewer or building repairs to eliminate infiltration and inflow to the sanitary sewer system. The City offers financial assistance to qualified customers through the Environmental Services Conservation Loan Program, per TMC 12.08.640, to aid with the cost of performing private side sewer repairs or replacement.

B. Definitions. As used in this section, the terms listed below shall be defined as follows:

"Cleanout" means a section of pipe that extends from the underground private side sewer to the ground surface which is used to access the private side sewer for the purposes of cleaning and inspecting the private side sewer.

"Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners and unless a declaration and a survey map and plans have been recorded, pursuant to RCW 64.34.020.

"Direct Connection" means any piped connection to the private side sewer that conveys stormwater or surface water to the sanitary sewer system. Examples of direct connections include roof drains, sump pumps, footing drains, area drains, yard drains, and driveway drains.

"Director" means the Director of Public Works or his or her designated representative.

"Educational Flyer" means the document prepared by the City that provides educational information to property owners regarding the condition of side sewers and private ownership and maintenance responsibilities.

"Infiltration" means any groundwater that makes its way into the private side sewer via defects in the pipe, such as cracks, holes, unsealed joints, and root penetrations.

"Inflow" means any water that is dumped or conveyed into the sanitary sewer system through improper or direct connections. Examples of improper or direct connections include roof drains, footing drains, area drains, yard drains, and driveway drains.

"Private Side Sewer" means the sewage conveyance pipe owned by the property owner that extends from approximately two feet outside of a building or structure to the connection at the public sanitary sewer main. In most circumstances, a portion of the private side sewer extends into public streets or alleys connecting to the public sewer main.

"Public Sewer Main" means the network of common sewage conveyance pipes that are owned, maintained, and operated by the City of Tacoma.

“Real Estate Professional” means the person(s) responsible for representing a buyer/seller or potential buyer/seller in the purchase transaction of a real property.

“Sell or Transfer of Title” means the sale or transfer of an entire real property estate or the fee interest in that real property estate and does not include the sale or transfer of a partial interest, including a leasehold.

“Owner” means any private individual or corporation that holds the title to a real property as shown by the Pierce County Assessor’s records.

C. Educational Flyer Distribution Requirement.

1. Effective December 1, 2010, property owners shall be provided with an educational flyer in the following circumstances:

- a. Prior to the sale or transfer of title for a real property that contains any building or structure with a private side sewer connecting to the public sewer main. The educational flyer shall be provided to the buyer and seller by the real estate professional(s) representing the buyer and seller.
- b. Prior to issuance of a building permit for a “substantial building renovation” (as defined in Chapter 2.06.070). The educational flyer shall be provided to the permit applicant by the City at the time of permit application. If the permit applicant is not the property owner, the educational flyer shall be provided to the property owner by the permit applicant.
- c. Prior to issuance of a building permit for any new buildings or additions to existing buildings in which the new structures or additions may be constructed over the top of the existing private side sewer. The educational flyer shall be provided to the permit applicant by the City at time of permit application. If the permit applicant is not the property owner, the educational flyer shall be provided to the property owner by the permit applicant.

2. This section shall not apply to any of the following:

- a. Transfer of title from one co-owner to one or more other co-owners.
- b. Transfer of title made to a spouse or to a person or persons in the lineal line of consanguinity of one or more of the transferors.
- c. Transfer of title between spouses resulting from a decree of dissolution of marriage or a decree of legal separation or from a property settlement agreement incidental to a decree.
- d. Condominiums, as defined in TMC 12.08.720.B.

D. Property owners are solely responsible for the construction, maintenance, operations, repairs, or replacement of the private side sewer and any surface reconstruction requirements when performing said repairs.

E. Violation – Penalties.

Persons who violate this section are subject to the enforcement provisions set forth in TMC 12.08.675, including a Notice of Violation and issuance of a corrective order under TMC 12.08.675.A and civil penalties assessed under TMC 12.08.675.D. (Ord. 27948 Ex. A; passed Nov. 16, 2010; Ord. 27934 Ex. A; passed Sept. 28, 2010; Ord. 27901 Ex. A; passed Jun. 29, 2010; Ord. 27857 Ex. A; passed Dec. 8, 2009)

12.08.740 Side Sewer and Sanitary Sewer Availability Manual.

All work necessary to repair, rehabilitate, replace, or construct new private side sewers shall be performed pursuant to a permit issued by the Director and in accordance with the standards set forth in the City of Tacoma’s Side Sewer and Sanitary Sewer Availability Manual. (Ord. 27978 Ex. A; passed Apr. 26, 2011)

Appendix C

NPDES Internal Coordination Memorandum



City of Tacoma

Memorandum

TO: General Government Department Directors
TPU Superintendents

FROM: Eric A. Anderson, City Manager *E.A. Anderson*
William A. Gaines, Director, Tacoma Public Utilities *W.A. Gaines*

SUBJECT: City of Tacoma Compliance with
National Pollutant Discharge Elimination System (NPDES) Permit

DATE: January 28, 2008

On February 16, 2007, the Washington State Department of Ecology issued a Phase I Municipal Stormwater Permit under the National Pollutant Discharge Elimination System (NPDES). This permit covers discharges from municipalities with separate storm sewer systems and has a term of five years.

The City of Tacoma has been and remains a leader in stormwater management in Western Washington through the cleanup of the Thea Foss Waterway and subsequent efforts to prevent contaminants from discharging into the waterway via the City's stormwater mains. Under this new permit, Tacoma's Stormwater Management program will be updated and expanded city-wide focusing on improving stormwater quality and protecting receiving waters. These efforts have an important role in protecting Tacoma's wetlands, streams, rivers, lakes and Commencement Bay.

On a regional scale, the City of Tacoma is a participant in the Puget Sound Partnership and is committed to do its share as part of a concerted regional effort to clean up the Puget Sound ecosystem by 2020.

Virtually every City department has an important contribution to make to improve the quality and/or reduce the quantity of stormwater discharged to our receiving waters. Accordingly, each department must contribute to this effort for the City to realize its goals with regard to the development and implementation of the program for compliance with the NPDES Phase I Municipal Stormwater permit.

To assist with this effort, we are requesting that you designate a contact person from your department by **February 4, 2008**, and provide that information to the City's coordinator Shauna Hansen, P.E., of the Public Works, Environmental Services, Science and Engineering Division. Shauna can be reached at 502-2119 or via email at shansen@cityoftacoma.org.

Thank you in advance for your support and assistance with this important program!

Appendix D

Environmental Services Commission Overview

City of Tacoma Environmental Services Commission

OVERVIEW

The City of Tacoma values a close relationship with its citizens. That relationship is essential in creating fair, responsive, cost-effective wastewater, surface water and solid waste rates and programs developed by Public Works Environmental Services.

The Environmental Services Commission is a 13-member group that advises City of Tacoma staff and the City Council on those rates and programs. Commissioners represent a cross section of Tacoma's residential, business and regulatory communities and are selected by the City Manager to serve five-year terms.

TERMS OF SERVICE

Five years, with staggered terms for commission continuity. As terms expire, members may apply to be reappointed. Service is not limited to a specific number of terms.

MEMBERS

Thirteen members representing business, residential and regulatory concerns. Since regulatory agency designates do not represent utility customer classes but still have a strong interest in rates, structures and programs, they shall participate as any other member in commission activities and discussion, but shall have no vote.

Commissioners represent the following classes of utility customers and interests:

1. **Large Business** (e.g., hospitals, Tacoma Mall, manufacturers)
2. **Small Business** (e.g., retail, restaurant, office)
3. **Developers** (e.g., residential, commercial general contractor/developer, builders association)
4. **Commercial/Business Association** (e.g., Chamber, Executive Council)
5. **Government Customers** (e.g., Pierce County, Fife, Fircrest, Metro Parks Tacoma, Port of Tacoma, Tacoma Public Schools)
6. **Tribal/Environmental Interests** (e.g., Puyallup Tribe, Muckleshoot Tribe, Citizens for a Healthy Bay, Sierra Club)
7. **Multi-family Residential Interests** (e.g., apartment landlord)
8. **Residential Interests** (Council district)
9. **Residential Interests** (Council district)
10. **Residential Interests** (Council district)
11. **Residential Interests** (at-large position)
12. **Regulatory Agency/ex officio nonvoting member** (Washington State Department of Ecology)
13. **Regulatory Agency/ex officio nonvoting member** (Tacoma-Pierce County Health Department)

Tacoma has five Council Districts. Residential representatives are chosen from as many different districts as seats are available. As each Commissioner ends his/her term, new candidates are recruited from unrepresented Council Districts.

Every effort will be made to include representation from a wide variety of cultural, ethnic, gender and socioeconomic backgrounds.

MEMBERSHIP CRITERIA

- Either reside (residential), work (business) or own property within City of Tacoma limits and/or Environmental Services service boundaries
- Attend all meetings or notify the Chair or staff liaison if unable to attend
- Designate an alternate if periodically unable to attend. (Alternate shall be allowed to vote.)
- Represent ratepayers in their customer class by participating in rate recommendations to the Tacoma City Council during rate years

DUTIES

The Commission reviews, advises and makes recommendations to City staff and the City Council regarding:

- Residential and commercial programs and services
- Short-term and long-range planning
- Rates, rate structures and rate assistance programs
- Capital Investment Program financing structures
- Revisions to or new contracts for City-provided wholesale and retail services
- City of Tacoma policies directly related to utility functions
- One Commissioner each year serves on the committee to review the Environmental Services Make a Splash Grant/Sponsorship Program

Members shall be expected to consider the full interests of their customer class and report Commission discussions back.

MEETINGS

Meetings shall be open to the public. At the first meeting of each year, Commissioners:

- Elect a Chair and Vice Chair to one-year terms. The Chair shall lead the meetings and represent the Commission to the City Council.
- Set regular day, time and place to meet

The Commissioners:

- Meet monthly from April to November, with additional meetings as needed
- Meet at least once each year in joint session with the Tacoma City Council's *Environment and Public Works Committee*

STAFF CONTACT

Liaison: Kelley Kontos, (253) 404-6989 or kkontos@cityoftacoma.org

APPLICATION PROCESS

Applications for the City of Tacoma Environmental Services Commission are accepted throughout the year. Commissioners are selected in January and hold the first meeting soon after for orientation, chair election and meeting scheduling. Additional appointments may be made at other times of the year for open or vacated positions.

Download an application from the City's Web site at www.cityoftacoma.org/esc, or contact the City's commission liaison for a hard copy.

ABOUT ENVIRONMENTAL SERVICES

Part of the City's Public Works Department, Environmental Services is made up of four divisions: Solid Waste Management, Wastewater Operations, Maintenance and Science & Engineering. Environmental Services employs more than 400 people with annual revenues of about \$113 million to provide wastewater, surface water and solid waste services. Learn more at www.cityoftacoma.org/environmentalservices.